

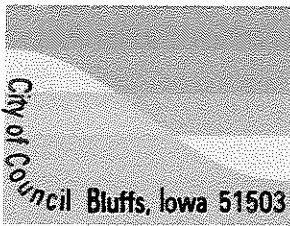
OFFICE OF:
CITY CLERK
(712) 328-4616

AGENDA

**CITY COUNCIL STUDY SESSION
COUNCIL CHAMBERS
MONDAY, July 28, 2008
3:45 P.M.**

- A. Presentation, John Selmer, District Engineer
Iowa Department of Transportation
- B. Review of Agenda





OFFICE OF:
CITY CLERK
(712) 328-4616

COUNCIL AGENDA, CITY OF COUNCIL BLUFFS, IOWA
REGULAR MEETING JULY 28, 2008 7:00 P.M.
COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL
209 PEARL STREET

AGENDA

1. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER

3. CONSENT AGENDA

- A. Approval of agenda and tape recording of this proceeding be incorporated into official minutes
- B. Reading, correction and approval of minutes of the July 14, 2008 regular Council meeting
- C. Resolution 08-220, directing the Clerk to publish notice and set public hearing on the plans, specifications, form of contract and cost estimate for the US 275/Missouri River Stormwater pump station

4. PUBLIC HEARINGS:

- A. Resolution 08-221, approving the plans, specification, form of contract and cost estimate for the digester cover repair
- B. Resolution 08-222, supporting the Police Department's application for a Justice Assistance Grant (JAG)
- C. Resolution 08-223, granting final plat approval for a replat of Bluffs Vision Commercial Subdivision, creating a two-lot subdivision to be known as Wedge Resort Subdivision
- D. Resolution 08-224, to vacate and dispose of Mid-America Loop right-of-way abutting lots 1 through 7, Bluffs Vision Commercial Subdivision, City of Council Bluffs, Iowa
- E. Resolution 08-225, authorizing disposal of City property legally described as the west 31.5 feet of Lot 5, Block 9, Bayliss 2nd Addition
- F. Resolution 08-226, authorizing the disposal of the City's interest in a thirty foot permanent sanitary sewer easement and a blanket storm water easement both in Metro Crossing, a subdivision in the City of Council Bluffs

5. ORDINANCES ON FIRST READING:

- A. Ordinance 6006, amending the zoning map by changing the district designation of property located at #4 Elliott Street in Council Bluffs, from its present designation as R-1/Single Family Residential to R-3/Low Density Multi-Family Residential and setting public hearing for August 11, 2008 at 7:00 p.m.
- B. Ordinance 6007, amending Chapter 1.40 "Council Bluffs Civil Rights Commission" of the Municipal Code by repealing Section 1.40.150 "Complaint procedures" and enacting a new Section 1.40.150 "Complaint procedures" to increase the amount of time to file a complaint, as set forth by State law.



- C. Ordinance 6008, amending Title 4, "Health and Sanitation" of the Municipal Code by enacting a new Chapter 4.21, entitled "Urban Deer Management Program"

6. RESOLUTIONS:

- A. Resolution 08-227, to adopt a Planned Commercial Development Plan for Bucky's Express gasoline station and convenience store located in part of Blocks 72 and 97, vacated 28th Avenue right-of-way, north of Interstate 80 on the east side of South 24th Street
- B. Resolution 08-228, to amend the approved Planned Commercial Development Plan for Metro Crossing Subdivision, by adopting a development plan for Lots 16 and 17
- C. Resolution 08-229, to amend the approved Planned Commercial Development Plan for Lot 4, Bluffs Vision Subdivision Replat 1, relative to signage at Hooter's Restaurant, 2910 23rd Avenue
- D. Resolution 08-230, granting preliminary approval for a 59-lot single family residential subdivision to be known as Fox Run Landing – Phase III, including a variance to allow lots to exceed the 3 to 1 depth to width ratio
- E. Resolution 08-231, directing the Mayor and City Clerk to execute an agreement with the Iowa Department of Transportation for the expansion of exhibits at the Union Pacific Railroad Museum
- F. Resolution 08-232, authorizing the Mayor and City Clerk to execute IDOT Agreement No. 2008-16-183 in connection with the railroad corridor relocation associated with the interstate reconstruction
- G. Resolution 08-233, supporting the renaming of the US Highway 6 Bridge over the Missouri River in the City of Council Bluffs to "The Major General Grenville M. Dodge Bridge
- H. Resolution 08-234, accepting the work of R. D. Blue Construction in connection with the Valley View Extension Project – College Road Reconstruction and authorizing the Interim Finance Director to issue a City check in the amount of \$30,215.25
- I. Resolution 08-235, approving the nineteenth addendum to the contract for the operation of a sexually transmitted disease clinic

7. MAYOR'S APPOINTMENTS

- A. *Council Bluffs Arena & Convention Center Commission:*
 - Reappoint Sue Ellen Overton – with term to expire July 1, 2012
 - Reappoint Mark Osterhous – with term to expire July 1, 2012
- B. *Civil Rights Commission*
 - Reappoint Tori Christie - with term to expire on August 1, 2011
 - Reappoint Mark Alba – with term to expire August 1, 2011
 - Reappoint Jeanne Brazylido – with term to expire August 1, 2011

8. RECEIVE AND FILE ITEMS:

- A. Cash Balance Statement, June 30, 2008
- B. List of Bills, June 30, 2008

C. Stipulation for Voluntary Settlement, Great Day Development vs Pottawattamie County Board of Review

D. Ten (10) Notices of Claim/Loss

9. APPLICATIONS FOR PERMITS AND CANCELLATIONS:

A. Application for new liquor license (selling unopened bottles of wine from Iowa wineries):
Boxer Barbeque Company, 722 Creek Top

B. Applications for liquor license renewals:

- 1) Bucky's Express #27, 2713 South 24th Street
- 2) Fox Run Golf Course, 2001 Mac Ineery Drive
- 3) Lipstix, 1501 North 16th Street
- 4) Quik Trip #575, 1749 West Broadway

C. Applications for Iowa Retail cigarette/tobacco permit:

- 1) G's Phillips 66, 3500 Avenue A
- 2) Goldmine Bar & Grill, 1601 Harry Langdon Blvd
- 3) Quarthouse Lounge, 107 Pearl Street
- 4) Tobacco Hut #6, 3134 Manawa Centre Drive #9
- 5) Walgreens #5306, 301 Bennett Avenue

10. CITIZENS REQUEST TO BE HEARD:

11. ADJOURNMENT

RECORD OF PROCEEDINGS

CALL TO ORDER	A regular meeting of the Council Bluffs City Council was called to order by Mayor Tom Hanafan at 7:00 p.m., July 14, 2008.
ATTENDANCE	Present: Council members Darren Bates, Lynne Branigan, Matt Schultz, Matt Walsh. Mayor Tom Hanafan. Absent: Council member Scott Belt Staff present: Richard Wade, City Attorney; Judith Ridgeley, City Clerk
CONSENT AGENDA	Walsh and Bates moved and seconded approval of the agenda as presented. Unanimous
PUBLIC HEARINGS Ordinance 6005	Held public hearing to amend zoning map by changing district designation of property located at 110 South 35 th Street and 3527 1 st Avenue to R-4/high Density Multi-Family Residential. Ms. Deb Peterson, 215 Main Street, was present representing the applicant. Bates and Branigan moved and seconded approval of Ordinance 6005. Unanimous. Walsh and Bates moved and seconded to waive third reading. Unanimous.
Resolution 08-203	Held public hearing to authorize the vacation and disposition of 24 th Avenue right-of-way between South 18 th and South 19 th streets and abutting Lot 6, Wyatt 2 nd Subdivision and abutting blocks 21 and 36, Railroad Addition, City of Council Bluffs. Mr. Margo Marino, 2403 S. 19 th Street, applicant, was present. Bates and Walsh moved and seconded to continue Resolution 08-203 until the regular meeting of September 22, 2008 at 7:00 p.m., when the lots will be re-platted to accommodate the Ruiz lot. Unanimous
Resolution 08-204	Held public hearing regarding the vacation and disposition of the West North/South alley in McGee's Subdivision of Block 21, Hughes and Doniphan's Addition. Bates and Walsh moved and seconded to deny Resolution 08-204. Unanimous.
Resolution 08-205	Held public hearing to authorize disposal of the North/South alley abutting Lots 9 through 16, block 2 Mynster Place and Lot 4 Auditor's Subdivision of the NW ¼ SW ¼ of Section 19-75-43 and also abutting Lot 66 and out lot A, Vergamini Seventh Addition. Mr. Matthew Solon, applicant, 1741 Henry Street was present. Council concurred with the recommendations of Staff and Planning Commission to grant the vacation. Unanimous
Resolution 08-206	Held public hearing authorizing the disposal of excess City property vacated by Ordinance 4800, dated June 22, 1987. Branigan and Walsh moved and seconded approval of Resolution 08-206. Unanimous.
Resolution 08-207	Held public hearing approving assessment of costs for securing certain buildings within the City of Council Bluffs. Walsh and Branigan moved and seconded approval of Resolution 08-207. Unanimous
RESOLUTIONS Resolution 08-191	Schultz and Walsh moved and seconded to reject the bids received for the towing contract, extend the current contract by two months,

RECORD OF PROCEEDINGS

and amend the bid documents to show the discount storage on auction vehicles as to what the state will reimburse, and alleviate ambiguities in the bid documents. Unanimous

Resolution 08-208

Walsh and Branigan moved and seconded to authorize the Mayor to execute an agreement with Swain Construction for the 8th Avenue North curb line and gutter replacement. Unanimous

Resolution 08-209

Branigan and Schultz moved and seconded approval of Resolution 08-209, accepting the work of All Purpose Utilities in connection with the Metro Crossing Sewer Extension, Phase I Schedule B (pump station) and authorizing the Interim Finance Director to issue a City check in the amount of \$54,396.45. Unanimous

Resolution 08-210

Branigan and Walsh moved and seconded approval of Resolution 08-210, accepting the work of leazenby Construction in connection with the South 13th Street Improvements, Phase II, and authorizing the Interim Finance Director to issue a City check in the amount of \$60,274.82. Unanimous

Resolution 08-211

Branigan and Schultz moved and seconded approval of Resolution 08-211, imposing penalties against Council Bluffs Investment Co., Inc., dba Goofy's for violation of Iowa Code, selling alcohol to a minor. Unanimous

Resolution 08-212

Branigan and Schultz moved and seconded Resolution 08-212, imposing penalties against Sargent Enterprises, Inc., dba Mike's Place for violation of Iowa Code, selling alcohol to a minor. Unanimous.

Resolution 08-213

Walsh and Schultz moved and seconded approval of Resolution 08-213, designating applicant's authorized representative for Presidential Declaration of Disaster. Unanimous.

Resolution 08-214

Bates and Branigan moved and seconded approval of Resolution 08-214, approving the wage and benefit package for the Director of Finance. Unanimous.

Resolution 08-215

Branigan and Walsh moved and seconded approval of Resolution 08-215, approving the wage and benefit package for the Director of Parks and Recreation. Unanimous.

Resolution 08-216

Branigan and Walsh moved and seconded approval of Resolution 08-216, authorizing the Mayor to sign a Memorandum of Understanding between the City of Council Bluffs, Iowa and the City of El Hajeb, Morocco. Unanimous

Resolution 08-219

Branigan and Bates moved and seconded approval of Resolution 08-219, re-establishing the position of Assistant Director of Finance. Unanimous

RECEIVE AND FILE ITEMS

Walsh and Branigan moved and seconded to receive and file the following: Six notices of claim/loss; three notices to redeem from tax sale; and one offer to buy City property. Unanimous

APPLICATIONS FOR PERMITS

Schultz and Walsh moved and seconded approval of the following

RECORD OF PROCEEDINGS

OR CANCELLATIONS

liquor license renewals: Ameristar Casino, Bucky's Exprss, Casey's General Store, Eddy's 3434, Hy-Vee Drugstore, LPL's Restaurant, Pump & Munch Too, Quaker Steak and Lube, Queen of Apostles, and Super Quik Stop. Unanimous

Walsh and Branigan moved and seconded approval of the following liquor license renewal: Barley's. 3 Aye, 1 Nay (Schultz)

Walsh and Branigan moved and seconded approval of the request for change in ownership for Goofy's. 3 Aye, 1 Nay (Schultz)

Walsh and Branigan moved and seconded approval of the application for new liquor license for Tienda Mexicana. Unanimous

Walsh and Branigan moved and seconded approval of 11 applications for Iowa retail cigarette/tobacco permits. Unanimous

CITIZEN'S REQUEST TO BE HEARD

Mr. Carl Peterson, 211 N. Fillmore, Omaha was present to express his desire to meet with FBI agent Cavanaugh.

Mr. David Maron, 603 Harrison Street, expressed his view regarding the position of Director of Parks and Recreation.

ADJOURNMENT

Branigan and Bates moved and seconded to adjourn the meeting at 7:34 p.m. Unanimous

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

Thomas P. Hanafan, Mayor

ATTEST:

Judith H. Ridgeley, City Clerk

COUNCIL COMMUNICATION

Department: Public Works
Case/Project No.: FY07-04C
Applicant _____

Ordinance No. _____
Resolution No. 08-220

Council Action: July 28, 2008

SUBJECT/TITLE

Council consideration of a resolution setting a public hearing for 7:00 p.m. on August 11, 2008, for the US 275/Missouri River Stormwater Pump Station.

BACKGROUND/DISCUSSION

- IDOT plans to reconstruct US 275 from the Missouri River to I-29 in 2006-2008.
- NDOR and IDOT plan to reconstruct the US 275 Missouri River Bridge starting in 2008.
- There is an existing pump station at the river levee on the north side of the Highway. It is 35 years old and is in conflict with roadway widening.
- Pump station relocation is scheduled for 2008.
- The new pump station will be upgraded and modernized. Service area includes both sides of US 275 from Missouri Levee to Twin City Drive.
- The first part of construction is estimated at \$80,000 for piping and structural efforts and is contracted through IDOT agreement.
- The second part of construction is estimated at \$80,000 for Electrical/Mechanical efforts and is the project which is the subject of this resolution.
- Project is FY07-04C in the CIP and will be funded by West Lewis #35 and Sieck #32 drainage district funds.

RECOMMENDATION

Approval of this resolution.



RESOLUTION
NO 08-220

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE
AND SETTING A PUBLIC HEARING ON THE
PLANS, SPECIFICATIONS, FORM OF CONTRACT
AND COST ESTIMATE FOR THE
US 275/MISSOURI RIVER
STORMWATER PUMP STATION
FY07-04C**

WHEREAS, the City wishes to make improvements known as the
US 275/Missouri River Stormwater Pump Station,
within the City, as therein described; and

WHEREAS, the plans, specifications, form of contract and cost
estimate are on file in the office of the city clerk.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk is hereby ordered to set a public hearing on the plans, specifications,
form of contract and cost estimate for US 275/Missouri River Stormwater Pump Station
the setting August 11, 2008, at 7:00 p.m. as the date and time of said hearing.

ADOPTED
AND
APPROVED July 28, 2008

Thomas P. Hanafan, Mayor

ATTEST: _____
Judith Ridgeley, City Clerk

COUNCIL COMMUNICATION

Department: Public Works
Case/Project No.: FY09-02C-1
Applicant _____

Ordinance No. _____
Resolution No. 08-221

Council Action: July 28, 2008

SUBJECT/TITLE

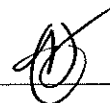
After the Public Hearing council consideration of a resolution approving the plans and specifications and authorizing the City Clerk to advertise for bids setting August 12, 2008, at 10:00 a.m. as the date and time for the bid opening for Digester Cover Repair.

BACKGROUND/DISCUSSION

- The Council Bluffs Water Pollution Control Plant was built in 1974. Included in the original design were four concrete tanks that treat and stabilize settled solids. These are called anaerobic digesters.
- The floating cover on Primary Digester #1 has some damaged due to the highly corrosive bio-gas. CIP project # FY09-02C-1 would repair the floating cover, apply protective coatings to the steel components, and replace the gas mixing equipment.
- This project will extend its useful service life another 20 years or more.
- This project schedule is Set Public Hearing, July 14; Hold Public Hearing, July 28; Letting, August 12; Award, August 25 with late summer/fall construction.
- Funds in the amount of \$300,000 have been budgeted in the WPCP plant maintenance CIP for this project.

RECOMMENDATION

Approval of this resolution.



RESOLUTION

No. 08-221

**RESOLUTION APPROVING THE PLANS, SPECIFICATION,
FORM OF CONTRACT AND COST ESTIMATE FOR THE
DIGESTER COVER REPAIR
FY09-02C-1**

WHEREAS, the plans, specification, form of contract and cost estimate are on file in the office of the City Clerk of the City of Council Bluffs, Iowa for the Digester Cover Repair; and

WHEREAS, A Notice of Public Hearing was published as required by law, and a public hearing was held on July 28, 2008.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

That the plans, specifications, form of contract and cost estimate are hereby approved for the Digester Cover Repair and the City Clerk is hereby authorized to advertise for bids for said project.

**ADOPTED
AND
APPROVED July 28, 2008**

Thomas P. Hanafan, Mayor

ATTEST:

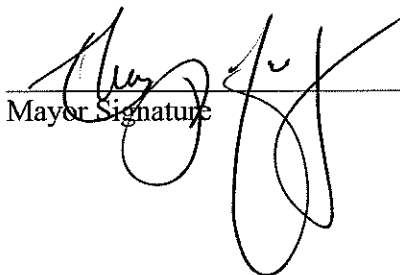
Judith Ridgeley, City Clerk

Council Communication

Department: Police	Ordinance No. _____	
Case/Project No. n/a	Resolution No. <u>08-222</u>	Date: <u>July 28, 2008</u>
Applicant. Police		
Subject/Title		
Resolution authorizing the Police Department to purchase equipment, as detailed on the attached memorandum with proceeds received from the 2008 Byrne Justice Assistance Grant Program Award (JAG).		
Background/Discussion		
<p>The Department of Justice has opened up the Justice Assistance Grant process. Part of that process is to obtain governing body approval, and provide a means for public input as to how the Police Department will spend the money obtained from that grant.</p> <p>A Notice of Public Hearing was ordered by City Council on July 14, 2008 and said Notice was duly published in accordance with Iowa statute.</p> <p>Planned equipment purchases include, but are not limited to the following: tactical radio microphones, ballistic shields, gas mask carriers, trauma plates for tactical vests, Simunition weapons for more realistic training, upgrading from video technology to digital recording capability, and a fingerprint work station.</p>		
Recommendation		
City Council is requested to approve the application to the Department of Justice for the Justice Assistance Grant.		

Department Head

Mayor Signature

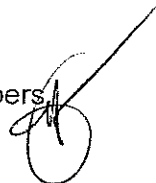


COUNCIL BLUFFS POLICE DEPARTMENT

O F F I C E O F T H E C H I E F O F P O L I C E

M E M O R A N D U M

DATE: Thursday, June 26, 2008
TO: Mayor Hanafan, Council Members
FROM: KA Mehlin
RE: 2008 JAG Grant
CC:



The 2008 Justice Assistance Grant (JAG) application was reopened this year with an even smaller amount than last year. The money available this year was \$40,830. Fortunately this year none of the award has to be shared with the county.

The following is narrative of the equipment the department intends to spend the money on. It is all equipment needed by the department. I have also attached the budget worksheet to explain how much money was allocated for each piece of equipment.

The intent of the Council Bluffs, Iowa, Police Department is to spend its allocation of 2008 JAG monies on equipment. The following describes that equipment:

Part of the money will be utilized by our tactical and rapid response (riot control) teams. Because of a new soon to be completed radio system, the tactical radio microphones need to be replaced for the team members. The tactical team's ballistic shields are old and damaged and need to be replaced, thus we wish to purchase one shield with JAG money. Six of our rapid response team members do not have the ability to carry gas masks effectively, thus we wish to purchase six mask carriers. We also recently purchased eight new tactical ballistic vests for team members with Homeland Security money, however because of an oversight by the county emergency planner, no trauma plates were ordered with the vests. Thus we are asking for eight trauma plates for these tactical vests.

The second category on the request deals with the training of our first responders to active shooter situations. We are requesting Simunition weapons to add realism to training sessions. While we have some of these weapons, we have found we need to add to the inventory to adequately train our officers. Because we have recently added patrol rifles to our weapons inventory, we are asking for M16A2 Simunition weapons to add the ability to train in scenarios with

those types of weapons. The request also asks for ammunition to use in these weapons.

The third category deals with upgrading our interview and polygraph rooms from VHS and analog recording capability to digital recording capability, both video and audio. This will then allow us to more easily integrate video and audio into completed cases for prosecution, and allow to more easily store the video and audio evidence.

Along those lines, we are also asking for money to purchase digital field recorders for investigators. This will also allow us to more conveniently transcribe interviews, and also allow for more convenient storage of that evidence.

We would also like to make a safer and healthier work environment for our crime scene technicians by purchasing a fingerprint work station that will filter out fingerprint dust from the air as they search for latent fingerprints. The cost of this item includes the filters needed for the blower system.

Another category deals with our marked cruiser DVD recorders. We have been slowly switching them from VHS to digital, and have discovered that we have an inadequate system to store and retrieve this evidence. We would like to purchase a new computer server with adequate memory to store this digital visual and audio evidence until it is needed, or can be disposed of.

The last items we wish to acquire are for our Records department. All of our reports are scanned and stored digitally. We currently have several scanners; however we are in need of one more in order to make our limited Records personnel the most efficient. The request includes one more scanner, plus a very expensive maintenance item for the scanners we currently own. This will insure that our current inventory of scanners stays in service.

BUDGET DETAIL WORKSHEET

Grant Number	2008-F5306-IA-DJ
Applicant	City of Council Bluffs, Iowa
Person Making Application	Keith Mehlin
Executive Officer Council Bluffs	Mayor Tomas Hanafan

The following represents the budget detail for the 2008 JAG Grant for the City of Council Bluffs. We will be using the grant to purchase law enforcement equipment for the Council Bluffs Police Department. The following is the costs and breakdown for the equipment we wish to purchase.

The following equipment will be utilized by our tactical team, and our rapid response (riot response) team.

- (15) Hawk 1300 series lapel microphone, model #1323QR. Price, \$82.44 each, total price, \$1236.60
- (1) ProTech "Mighty Mite" Level IIIA ballistic shield, 18"x30". Price, \$1,049.99
- (6) Tactical Gas Mask Carriers. Price, \$28.99 each, total price \$173.94
- (8) Point Blank Level III Ballistic Vest Trauma Plates. Price, \$500 each, total price \$4,000.00

Total price for this category. \$9,460.53

The following items will be used as a training tool for first responders to active shooting incidents.

- (2) Simunition upper receiver conversion kits for M16A2 to allow 9mm FX marking rounds to be fired in the weapons. Price, \$740 each, total price \$1,480.00
- (4) Glock Simunition conversion kits for Glock 22. Price, \$395.00 each, total price, \$1,580.00
- (1000) rounds of 9mm Simunition training ammo to be used with the Simunition weapons. Price, \$500.00

Total price for this category. \$3,560.00

The following items will be used to upgrade our interview and polygraph rooms from VHS technology to digital DVR technology. This request includes equipment, installation, and training.

- (3) Pelco Surface Mount Mini Dome high resolution cameras.
- (1) Louroe ASK-4 Kit #101, which includes microphone, base station and power.
- (1) Pelco DX4004 DVR with 500 gig storage, 4 channels video, 4 channels audio, and DVD burner.
- (1) Pelco fused and switched 4 camera power supply.
- UPS protection. Total costs, \$5,445.00

Total price for this category. \$5,445.00

The following item will be used in our identification lab. It will be used as a fingerprint work station and has a filtering system that will keep fingerprint dust from entering the air.

- DWS Downflow Fingerprint Workstation system, which includes the workstation, prefilters and HEPA/Carbon main filter. Total cost \$4,662.00

Total price for this category. \$4,662.00

The following equipment will be used by Criminal Investigation Detectives and will upgrade their field tape recorders to digital recorders.

- (18) Olympus Model WS-311 Digital Recorders. Price, \$90 each. Total price, \$1,620.00

Total price for this category. \$1,620.00

The following item is a computer server and related equipment to store cruiser DVD video for evidence purposes. Our current system is outdated and in need of repair, plus the memory is inadequate for the volume of video that must be retained.

(1) Dell computer server and related equipment including expanded memory with Microsoft Server operating system. Price, \$13,811.58. Total price, \$13,811.58.

Total price for this category. \$13,811.58

The following items will be used in our records department, where all of our documents are scanned and stored digitally.

(1) Panasonic Interface Duplex Document Scanner, model DV-S2026C. Price \$867.97. Total price, \$867.97.

(7) Roller Maintenance Kits for Panasonic Scanners. Price, \$177.02 each. Total price, \$1,239.14.

Total price for this category. \$2,109.11

Total JAG Grant \$40,668.22

R E S O L U T I O N
NO. 08-222

**A RESOLUTION IN SUPPORT OF THE POLICE DEPARTMENT'S
APPLICATION FOR A JUSTICE ASSISTANCE GRANT (JAG)**

WHEREAS, the City has been presented with the opportunity to apply for a Justice Assistance Grant; and

WHEREAS, on July 14, 2008, Resolution No. 08-201, supporting the Police Department's application for a JAG award was approved and the required public hearing was held on July 28, 2008; and

WHEREAS, it is in the best interest of the City to pursue said grant.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That following the public hearing, the Mayor is hereby authorized to submit the Police Department's application for a JAG award.

ADOPTED
AND
APPROVED July 28, 2008

Thomas P. Hanafan, Mayor

ATTEST:

Judith Ridgeley, City Clerk

Council Communication

Department: Community Development Owner: Ed Morris 12582 Deerfield Ct. Council Bluffs, IA 515503 Applicant: All-Season Extreme LCC 400 No. Main St., Lake Mills, WI 53551 Case No. SUB-08-005	Resolution No. <u>08-223</u>	Council Meeting – 7/28/2008
Subject/Title Final plat approval for a replat of Bluffs Vision Commercial Subdivision creating a two lot subdivision to be known as Wedge Resort Subdivision. The 15.15 acre tract lies along the west side of Mid-America Drive (South 33 rd Street) and south of 23 rd Avenue.		
Background/Discussion <p>All-Season Extreme, LLC (Wedge Resorts Council Bluffs) is requesting a replat of Bluffs Vision Commercial Subdivision in order to construct a year-round family destination entertainment/sports facility. The facility will include a 12 story, 400 hundred unit condominium/hotel with banquet, restaurant and retail space. Indoor aquatics, bmx/skate facility, indoor/outdoor battery-powered go-kart facility and a year-round ski/snowboard platform are included in the sports/entertainment component. Ed Morris owns the 15 acre subdivision. Upon approval of the replat, Mr. Morris will sell Lot 2 to Wedge Resorts. He will retain ownership of Quaker Steak and Lube on Lot 1.</p> <p>Public hearings for both the final plat and the vacation of Mid-America Loop are scheduled for the July 28, 2008 City Council meeting. This property is zoned PC/Planned Commercial which requires review of the Planned Commercial Development Plan by the Planning Commission and approval by City Council prior to start of construction.</p> <p>When Bluffs Vision Commercial Subdivision was platted in August 2006, storm and sanitary sewer were installed and Mid-America Loop was completed. These improvements will be abandoned in place and the right-of-way vacated. Streetlights are in place along both Mid-America Drive and the Loop road. The lights along the Loop will be removed and the lights along the Drive may need relocation to accommodate the resort layout. Gas and telecommunication lines were not extended into the right-of-way. Except for sidewalk along the Mid-America Loop frontage of existing Lot 1 (Quaker Steak and Lube) sidewalks have not been installed. The earlier platting required the owner to also construct sidewalk along the Mid-America Drive and 23rd Avenue frontages. The City holds a bond for the cost of those improvements. Construction of the resort will include sidewalk along Mid-America Drive and 23rd Avenue, the owner must install sidewalk on the remaining two frontages of Lot 1.</p> <p>The water main extends about half-way through Mid-America Loop. The existing line has not been accepted by the Water Works and will be abandoned in place. The portion of the main serving Quaker Steak will become their service line. A water main extension agreement is needed to extend service from the 12" line in Mid-America Drive at 24th Avenue to serve the Wedge Resort. Fire hydrants spaced to comply with all fire safety requirements will be part of the main extension design and construction.</p>		
Recommendation The Community Development Department recommends approval of the final plat for a subdivision to be known as Wedge Resort Subdivision, as shown on Attachment 'A', subject to the following		

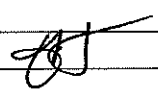
conditions:

1. All technical corrections required by the Community Development and/or Public Works Department shall be incorporated into the final plat document, including, but not limited to the following:
 - a. The owner of the property and any mortgage holders must sign the plat document.
 - b. Correct the street name to Mid-America on all applicable references in the document.
 - c. All easements of record and those proposed for the subdivision shall be incorporated into the final plat with benefactors clearly noted, including the access easement between Lots 1 and 2 as shown on the 'Detail'.
2. Complete arrangements with the Council Bluffs Water Works for appropriately sized and designed water supply to serve the proposed uses.
3. Sidewalk consistent with Public Works Department standards shall be constructed along the street frontage of each lot prior to issuance of a certificate of occupancy for that lot.
4. Prior to executing the final plat, the required sidewalk abutting Lot 1 shall be installed and accepted by the City or the City shall be in receipt of a performance guarantee in an amount determined by the Public Works Department to be sufficient to finish the improvement. The existing performance guarantee connected to the platting of Bluffs Vision Commercial Subdivision shall be revised to reflect the conditions of the replat.
5. Within the subdivision, all utilities shall be installed underground with cost borne by the developer. Streetlights shall be located or relocated at locations approved by the Public Works Department.
6. Complete arrangements with MidAmerican Energy regarding timing, installation and payment for the relocation and installation of lines/conduit and streetlight placement. Required clearances are necessary from all existing facilities. Easements necessary for new and continued access to the facilities will be incorporated into the final plat document and provided to MidAmerican at no cost.

Engineer/Surveyor: Snyder & Associates, 1751 Madison Ave., Council Bluffs, IA 51503

Attachment 'A'.

Prepared by: Gayle M. Malmquist, Development Services Coordinator



Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, Iowa 51503 (712) 328-4620
Return to: City Clerk, 209 Pearl Street, Council Bluffs, Iowa 51503 (712) 328-4616

RESOLUTION NO. 80-223

A RESOLUTION granting final plat approval for a replat of Bluffs Vision Commercial Subdivision, creating a two-lot subdivision to be known as Wedge Resort Subdivision.

WHEREAS, All-Season Extreme, LLC (Wedge Resorts Council Bluffs) has requested final plat approval for a replat of Bluffs Vision Commercial Subdivision in order to construct a year-round family destination entertainment/sports facility; and

WHEREAS, the 15.15 acre tract lies along the west side of Mid-America Drive (South 33rd Street) and south of 23rd Avenue; and

WHEREAS, Ed Morris owns the 15-acre subdivision. Upon approval of the replat, Mr. Morris will sell Lot 2 to Wedge Resorts. He will retain ownership of Quaker Steak and Lube on Lot 1; and

WHEREAS, the Community Development Department recommends approval of the final plat for a subdivision to be known as Wedge Resort Subdivision, as shown on Attachment "A", subject to the following:

1. All technical corrections required by the Community Development and/or Public Works Departments shall be incorporated into the final plat document, including but not limited to the following:
 - a. The owner of the property and any mortgage holders must sign the plat document.
 - b. Correct the street name to Mid-America on all applicable references in the document.
 - c. All easements of record and those proposed for the subdivision shall be incorporated into the final plat with benefactors clearly noted, including the access easement between Lots 1 and 2 as shown on the "Detail".
2. Complete arrangements with the Council Bluffs Water Works for appropriately sized and designed water supply to serve the proposed uses.

3. Sidewalk consistent with Public Works Department standards shall be constructed along the street frontage of each lot prior to issuance of a certificate of occupancy for that lot.

4. Prior to executing the final plat, the required sidewalk abutting Lot 1 shall be installed and accepted by the City, or the City shall be in receipt of a performance guarantee in an amount determined by the Public Works Department to be sufficient to finish the improvement. The existing performance guarantee connected to the platting of Bluffs Vision Commercial Subdivision shall be revised to reflect the conditions of the replat.

5. Within the subdivision, all utilities shall be installed underground with cost borne by the developer. Streetlights shall be located or relocated at locations approved by the Public Works Department.

6. Complete arrangements with MidAmerican Energy regarding timing, installation and payment for the relocation and installation of lines/conduit and streetlight placement. Required clearances are necessary from all existing facilities. Easements necessary for new and continued access to the facilities will be incorporated into the final plat document and provided to MidAmerican Energy at no cost.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That the final plat for a subdivision to be known as Wedge Resort Subdivision, as shown on Attachment "A", is hereby approved, subject to the conditions set forth above; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized and directed to endorse the final plat.

ADOPTED
AND
APPROVED July 28, 2008

THOMAS P. HANAFAN Mayor

Attest: _____
JUDITH RIDGELEY City Clerk

ATTACHMENT A

CASE #SUB-08-005

WEDGE RESORT SUBDIVISION

(REPLAT OF BLUFFS VISION COMMERCIAL SUBDIVISION)

FINAL PLAT

FINAL PLAT DESCRIPTION

WEDGE RESORT SUBDIVISION
FINAL PLAT DESCRIPTION

BEING A REPLAT OF BLUFFS VISION COMMERCIAL SUBDIVISION, LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 3, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH P.M. POTTAWATTAMIE COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST ONE-QUARTER CORNER OF SAID SECTION 3, THENCE SOUTH 89°42'24" WEST (ASSUMED BEARING) FOR 40.24 FEET TO THE NORTHWEST CORNER OF SAID LOT 2, K.E.D. BEING THE POINT OF BEGINNING; THENCE SOUTH 89°42'24" EAST FOR 455.32 FEET ALONG THE NORTH LINE OF SAID LOT 1 AND 2; THENCE THE FOLLOWING THREE (3) COURSES ALONG THE EASTERN LINE OF SAID LOT 1, 7, 8 AND 34 (H) SOUTH 37°36'02" EAST FOR 128.83 FEET (1) SOUTH 01°34'36" WEST FOR 882.37 FEET (2) SOUTHEASTERLY ALONG A 1,250 FOOT RADIUS CURVE TO THE LEFT FOR 933.58 FEET WITH A LONG CHORD BEARING SOUTH 18°07'00" EAST, 882.38 FEET; THENCE THE FOLLOWING THREE (3) COURSES ALONG THE SOUTHWESTERLY LINE OF SAID LOT 4 AND 5 (H) NORTH 43°10'22" WEST FOR 288.63 FEET (2) NORTH 40°54'52" WEST FOR 445.30 FEET (3) NORTH 41°47'57" WEST FOR 490.44 FEET; THENCE NORTH 01°34'23" EAST FOR 941.67 FEET ALONG THE WEST LINE OF SAID LOTS 2, 3 AND 4 TO THE POINT OF BEGINNING. ABOVE DESCRIBED TRACT CONTAINS 6.6 ACRES, MORE OR LESS.

DEDICATION

KNOW ALL PERSONAL BY THESE PRESENTS THAT WEDGE RESORTS COUNCIL BLUFFS, LLC, BEING THE OWNER OF THE PROPERTY DESCRIBED WITHIN THE LEGAL DESCRIPTION AND ENGRAVED WITHIN THIS PLAT, HAS CAUSED SAID PROPERTY TO BE SUBDIVIDED AS LOTS 1 AND 2. SAID PROPERTY IS TO BE KNOWN AS WEDGE RESORT SUBDIVISION. WEDGE RESORTS COUNCIL BLUFFS, LLC DOES HEREBY DEDICATE TO THE CITY OF COUNCIL BLUFFS, IOWA A WATER MAIN EASEMENT IN THE SOUTHEAST CORNER OF LOT 1, THE DEDICATION OF THIS EASEMENT SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

EASEMENT RUNS WITH THE LAND: THIS EASEMENT SHALL BE DEEMED TO RUN WITH THE LAND AND SHALL BE BINDING ON WEDGE RESORTS COUNCIL BLUFFS, LLC, HIS SUCCESSORS, AND ASSIGNS.

ERECTOR OF STRUCTURES: PROHIBITED WEDGE RESORTS COUNCIL BLUFFS, LLC, HIS SUCCESSORS, OR ASSIGNS SHALL NOT ERECT ANY STRUCTURE OVER OR WITHIN THE EASEMENT AREA WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER.

CHANGE OF GRADE: WEDGE RESORTS COUNCIL BLUFFS, LLC, HIS SUCCESSORS, OR ASSIGNS SHALL NOT CHANGE THE GRADE, ELEVATION, OR THE CONTOURS OF ANY PART OF THE EASEMENT AREA WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER.

RIGHT OF ACCESS: THE CITY SHALL HAVE THE RIGHT OF ACCESS TO THE EASEMENT AREA AND HAVE ALL RIGHTS OF INGRESS AND EGRESS REASONABLY NECESSARY FOR THE USE AND ENJOYMENT OF THE EASEMENT AREA HEREIN DESCRIBED.

REMOVAL AND REPLACEMENT: THE COST OF REMOVAL AND REPLACEMENT OF ANY UNAUTHORIZED IMPROVEMENT OR STRUCTURES WITHIN THE EASEMENT AREA NECESSITATED BY THE EXERCISE OF THE RIGHTS UNDER THIS EASEMENT SHALL BE BORNE BY WEDGE RESORTS COUNCIL BLUFFS, LLC, HIS SUCCESSORS, OR ASSIGNS.

SURFACE RESTORATION: THE CITY'S LIABILITY TO RESTORE THE SURFACE WITHIN THE EASEMENT AREA SHALL BE LIMITED TO GRADING AND SEEDING. DUTY TO REPAIR: CITY AGREES THAT ANY DRAIN TILE, DRIVE OR ACCESS WAY, FENCE, YARD OR OTHER IMPROVEMENT OUTSIDE OF THE EASEMENT AREA WHICH MAY BE DAMAGED AS A RESULT OF ANY ENTRY MADE THROUGH AN EXERCISE OF THE CITY'S RIGHT OF ACCESS SHALL BE REPAIRED AT NO EXPENSE TO WEDGE RESORTS COUNCIL BLUFFS, LLC, HIS SUCCESSORS, OR ASSIGNS.

IN WITNESS WHEREOF, I DO HEREBY RATEIFY AND APPROVE OF THE DISPOSITION OF THE PROPERTY AS CONTAINED HEREIN.

WEDGE RESORTS COUNCIL BLUFFS, LLC.

DATE

ACKNOWLEDGMENT OF NOTARY

STATE OF _____
COUNTY OF _____

ON THIS _____ DAY OF _____, 2008, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, QUALIFIED AND COMMISSIONED IN AND FOR SAID COUNTY AND STATE AS A RESULT OF MY ENTRY MADE THROUGH AN EXERCISE OF THE CITY'S RIGHT OF ACCESS, PERSONALLY KNOWN BY ME TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION AND HE DO ACKNOWLEDGE THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED.

NOTARY PUBLIC _____ DATE _____

CITY COUNCIL

APPROVED BY MAYOR: THE HONORABLE THOMAS P. HANFAN _____ DATE _____

ATTESTED TO BY:

CITY CLERK: JUDITH RIDGELEY _____ DATE _____

COMMUNITY DEVELOPMENT DIRECTOR: DONALD GROSS _____ DATE _____

CERTIFICATE OF TREASURER OF POTTAWATTAMIE COUNTY, IOWA

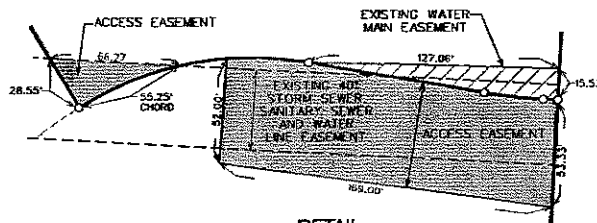
I, JUDY ANN MILLER, TREASURER OF POTTAWATTAMIE COUNTY, IOWA, HEREBY CERTIFY THAT THE LAND INCLUDED IN "WEDGE RESORT SUBDIVISION" IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

DATE THIS _____ DAY OF _____, 2008.

JUDY ANN MILLER, TREASURER OF POTTAWATTAMIE COUNTY, IOWA

NOTE:

A 5.00 FOOT WIDE PERMANENT EASEMENT ON EACH SIDE OF ALL SIDE LOT LINES, A 10.00 FOOT WIDE PERMANENT EASEMENT ALONG ALL FRONT LOT LINES, AND A 10.00 FOOT WIDE PERMANENT EASEMENT ALONG ALL REAR LOT LINES, ARE RESERVED FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES.



DETAIL
NOT TO SCALE

LEGEND

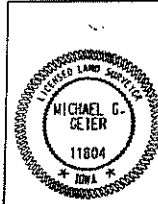
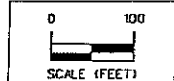
Survey
Section Corner
1/2" Rebar, Yellow Cap = 11804
(Unless Otherwise Noted)
ROW Marker
ROW Road
Control Point
Bench Mark
Platted Distance
Measured Bearing & Distance
Recorded As
Deed Distance
Calculated Distance
Minimum Protection Elevation
Centerline
Section Line
1/4 Section Line
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CURVE TABLE

CURVE NO.	DELTA	RADIUS	ARC LENGTH	TANGENT	CHORD BEARING/DISTANCE
CURVE1	41° 27' 18" RT	166.81'	120.24'	62.89'	N 78° 58' 39" E 117.63'
CURVE3	6° 29' 35" LT	264.00'	29.92'	14.98'	S 83° 32' 39" E 29.90'
CURVE5	41° 52' 31" LT	1250.00'	913.58'	478.27'	S 19° 20' 59" E 893.38'



I hereby certify that this land surveying document was prepared and the related surveying work was performed by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Iowa.
Michael G. Geier 6-30-08
Michael G. Geier, PLS Date
License Number 11804
My License Renewal Date is December 31, 2009
Pages or sheets covered by this seal:
Sheet 3

WEDGE RESORT SUBDIVISION

FINAL PLAT

COUNCIL BLUFFS, IOWA

ENGINEER: JCX Checked By: MGC Scale: 1"=100'
SURVEYOR: GTC Order: 06-25-08 Field Use: No

Council Communication

Department: <u>Community Development</u> Case No. SAV-08-007 Applicant: Edward Morris 12582 Deerfield Court Council Bluffs, IA 51503	Resolution of Intent No. _____ Resolution to Dispose No. <u>08-224</u>	City Council: 7/28/08 Planning Commission: 7/08/07 Set Public Hearing: 7/14/08 Public Hearing: 7/28/08
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Subject/Title

Edward Morris request to vacate all of Mid-America Loop right-of-way abutting Lots 1 through 7, Bluffs Vision Commercial Subdivision. This is the loop road extending west from Mid-America Drive at 24th Avenue.

Background/Discussion

Resolution No. 06-205, dated August 14, 2006 approved the final plat for Bluffs Vision Commercial Subdivision. The right-of-way proposed for vacation and the entire subdivision will be replatted to create one large lot for redevelopment while retaining the Quaker Steak and Lube property located on Lot 1. Both of the replatted lots will directly abut Mid-America Drive. Public hearings for both the vacation and replat will be scheduled for the July 28, 2008 Council meeting.

The entire subdivision contains 15.16 acres of which 1.73 acres (75,522 square feet) is platted as Mid-America Loop right-of-way. Access to Quaker Steak will be maintained through an access easement on the replat. Cost of acquisition of the right-of-way based on the adopted fee schedule is \$35,936.00.

MidAmerican Energy has underground electric facilities on the north side of the Loop to serve Quaker Steak. The developer must maintain clearances from the existing facilities and pay all costs associated with extending or relocating any facilities. With redevelopment, an underground conduit system with 15' wide easement is required. The water main in the right-of-way was extended south only to the mid-point of the roadway. It is expected that water service will become private from the existing main at Mid-America Drive and 24th Avenue. Since the other lots have not been built upon, natural gas, electricity and communication services were not extended. City storm and sanitary sewer constructed with the street will be abandoned in place. There is a 40' wide storm sewer, sanitary sewer and water line easement crossing the north leg of the right-of-way proposed for vacation. This easement was dedicated with the final plat of Bluffs Vision Subdivision in 2001. It will not be released with the vacation.

Recommendation

The Community Development Department recommends vacating all of Mid-America Loop right-of-way abutting Lots 1 through 7, Bluffs Vision Commercial Subdivision, as shown on Attachment 'A', subject to the following conditions:

1. Conveyance by City deed of the entire vacated right-of way to the owner, heirs and assigns for the amount as determined by the adopted fee schedule.
2. Release all easements in the right-of-way, except that portion of the 40' wide storm sewer, sanitary sewer and water line easement.

Public Hearing

Gayle Malmquist, Community Development Department, appeared before the Planning Commission in favor of the request. No one appeared in opposition to the request

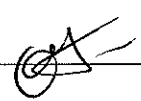
Planning Commission Recommendation

The Planning Commission recommends vacating all of Mid-American Loop right-of-way abutting Lots 1 through 7, Bluffs Vision Commercial Subdivision as shown on Attachment 'A', subject to the conditions in the staff report.

VOTE: AYE 11 NAY 0 ABSTAIN 0 ABSENT 0 VACANT 0 Motion: Carried

Attachment 'A'

Prepared by: Gayle M. Malmquist, Development Services Coordinator



4D

Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 - Phone: 328-4616
Prepared by: Community Development Dept., Co. Bluffs, IA 51503 - Phone: 328-4629

RESOLUTION NO. 08-224

A RESOLUTION TO VACATE AND TO DISPOSE OF MID-AMERICA LOOP RIGHT-OF-WAY ABUTTING LOTS 1 THROUGH 7, BLUFFS VISION COMMERCIAL SUBDIVISION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, following public hearing and having given careful study to the proposal, the City Council determines that city-owned right-of-way described as follows: Mid-America Loop right-of-way abutting Lots 1 through 7, Bluffs Vision Commercial Subdivision, City of Council Bluffs, Pottawattamie County, Iowa, is of no benefit to the public and should be vacated; and

WHEREAS, pursuant to Iowa Code Section 354.23, the City Council declares its intent to dispose of this City right-of-way by conveying and quitclaiming all of its right, title, and interest in it to the abutting property owners; and

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That the above-described city right-of-way is hereby vacated and the permanent and perpetual utilities easement of way shall be released and the property conveyed upon re-platting of the abutting property as follows:

Edward L. and Francis M. Morris and all successors in interest: All of vacated Mid-America Loop abutting Lots 1 through 7, Bluffs Vision Commercial Subdivision for the sum of \$35,936.00.

BE IT FURTHER RESOLVED

That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute a City deed conveying the City's interest in the above-described street right-of-way in consideration of the sum set out above upon re-platting of the abutting property with the existing utility easement to be released at that time, and;

BE IT FURTHER RESOLVED

That the City Clerk is directed to deliver this resolution and attached documents to the County Recorder according to Iowa Code 354.23.

ADOPTED

AND

APPROVED: July 28, 2008

Thomas P. Hanafan, Mayor

ATTEST:

Judith H. Ridgeley, City Clerk

STATE OF IOWA)
COUNTY OF)ss
POTTAWATTAMIE)

On this _____ day of _____, before me the undersigned, a Notary Public in and for said County and said State, personally appeared Thomas P. Hanafan and Judith H. Ridgeley, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk respectively, of the said City of Council Bluffs, Iowa, a Municipal Corporation, that the seal affixed hereto is the seal of said Municipal Corporation; that said instrument was signed and sealed on behalf of the said City of Council Bluffs, Iowa, by authority of its City Council; and that said Thomas P. Hanafan and said Judith H. Ridgeley, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said City, by it and by them voluntarily executed.

Notary Public in and for said State

SOUTH 35TH STREET

23RD AVENUE

24TH AVENUE

MID-AMERICA DRIVE

MID-AMERICA LOOP

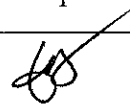
BASS PRO DRIVE

PROPOSED
VACATION



Council Communication

Department: Community Development Offer To Buy City Property Applicant:	Resolution of Intent No. <u>08-217</u> Resolution to Dispose No. <u>08-225</u>	Set Public Hearing: 07/14/08 Public Hearing: 07/28/08
Subject/Title Request of 4201, LLC, 13927 'S' Plaza, Omaha, NE 68137 to purchase 929 – 4 th Avenue (Legal Description: The West 31.5 feet of Lot 5, Block 9, Bayliss 2 nd Addition).		
Background/Discussion 4201, LLC has submitted an Offer to Buy the property at 929 – 4 th Avenue which the City acquired pursuant to a Court Order filed in January, 2006. The subject property measures 31.5 feet by 100 feet (3,150 square feet) and is zoned R-3/Multi-family Residential. The residential structure on the lot has been razed. 4201, LLC owns the commercial property directly to the south at 930 – 5 th Avenue. They would like to use the subject property as additional parking. A parking lot is a permitted use in an R-3 district. 4201, LLC has offered \$1,600 for the property which is approximately \$0.50 per square foot. The department feels this amount is sufficient.		
Recommendation The Community Development Department recommends setting a public hearing on the disposal of the West 31.5 feet of Lot 5, Block 9, Bayliss 2 nd Addition to 4201, LLC.		
Attachment: Location map. Prepared By: Rebecca Sall, Planning Technician, Community Development Department		



OFFER TO BUY - 929 - 4TH AVENUE



Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO. 08-225

A RESOLUTION AUTHORIZING DISPOSAL OF CITY PROPERTY LEGALLY DESCRIBED AS THE WEST 31.5 FEET OF LOT 5, BLOCK 9, BAYLISS 2ND ADDITION.

WHEREAS, this City Council previously expressed its intent to dispose of 929 – 4th Avenue, legally described as the West 31.5 feet of Lot 5, Block 9, Bayliss 2nd Addition; and

WHEREAS, a public hearing has been held in this matter.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute a quit claim deed conveying the City's interest in the above-described property as follows:

4201, LLC and all successors in interest: The West 31.5 feet of Lot 5, Block 9, Bayliss 2nd Addition for the sum of \$1,600.

ADOPTED
AND

APPROVED: July 28, 2008

Thomas P. Hanafan Mayor

ATTEST:

Judith H. Ridgeley City Clerk

Council Communication

Department: Legal	Ordinance No. _____	
Case/Project No. n/a	Resolution No. <u>08-226</u>	Date: <u>July 28, 2008</u>
Applicant.		
Subject/Title		
Release of easements in Metro Crossing.		
Background/Discussion		
<p>On July 14, 2008, City Council approved a Resolution setting public hearing for July 28, 2008. Said notice was published as required by Iowa statute.</p> <p>The City, after public hearing, will dispose of two easements in Metro Crossing, a subdivision to the City of Council Bluffs. The consideration for this disposal will be the granting of two new easements for the same purposes, sanitary sewer and storm water, and the exact locations will be more fully identified in the future.</p>		
Recommendation		
It is recommended that City Council approve this resolution to release two easements.		

Department Head



Mayor Signature

PREPARED BY: City Legal Department, 209 Pearl Street, Council Bluffs, IA 51503
RETURN TO: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

RESOLUTION NO. 08-226

A RESOLUTION AUTHORIZING THE DISPOSAL OF THE CITY'S INTEREST IN A THIRTY FOOT PERMANENT SANITARY SEWER EASEMENT AND A BLANKET STORM WATER EASEMENT BOTH IN METRO CROSSING, A SUBDIVISION IN THE CITY OF COUNCIL BLUFFS.

WHEREAS, the City holds a thirty (30) foot permanent sanitary sewer easement across the southerly thirty (30) foot portion of Lot 17 that adjoins Lot 16 of Metro Crossing, a subdivision in the City of Council Bluffs, Pottawattamie County, Iowa, created by the filing of the Final Plat of Metro Crossing February 9, 2007, in Book 2007, Page 2366 of the records of the Pottawattamie County Recorders office; and

WHEREAS, the City also holds a blanket easement for storm water that was reserved over Lot 17 of Metro Crossing, a subdivision in the City of Council Bluffs, Pottawattamie County, Iowa; and

WHEREAS, on July 14th, 2008, the City expressed its intent to dispose of its interest in the hereinabove described easements.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

That following public hearing, the Mayor is hereby authorized and directed to sign the necessary release documents for the City to relinquish its easement interests.

ADOPTED
AND
APPROVED July 28, 2008

Thomas P. Hanafan, Mayor

ATTEST: _____
Judith Ridgeley, City Clerk

C.A. 7/28/08

Council Communication

Department: Community Development Case No. ZC-08-010 Applicant: Mike Van Sickle Bethany Lutheran Home 7 Elliott St Council Bluffs, IA 51503	Ordinance No. <u>6006</u>	City Council: 7/28/08 Planning Commission: 7/08/08 First Reading: <u>7/28/2008</u> Second Reading: _____ Third Reading: _____
--	---------------------------	---

Subject/Title

Rezone #4 Elliott Street, described as Lot 4 and the south 20.5' of Lot 3, Block 1, Besley's Subdivision from R-1/Single Family Residential to R-3/Low Density Multi-family Residential to create additional off-street parking for Bethany Lutheran Home.

Background/Discussion

Bethany Lutheran Home has an option to purchase a 120' by 80' lot (9,600 square foot) across Elliott Street from the facility in order to create needed off-street parking. The subject land is zoned R-1 Single Family Residential. Parking lots are not a permitted use in that zoning district. The applicant looked at several alternatives before applying for the rezoning. Parking is permitted along the north side of Elliott but the street is narrow and steep resulting in safety concerns from both neighbors and visitors. Existing buildings and grade issues prevent additional parking on the site. Bethany is trying to acquire another lot to the west as shown on the attachment. There are 60 apartments in the assisted living facility and a 121 bed nursing home. In addition to staff and visitors, nursing students are on the campus for internships/training.

Current Zoning and Land Use - The subject property and the land to east, west and north are zoned R-1/Single Family Residential as shown on the attached map. Bethany Lutheran Home, zoned R-3/Low Density Multi-family Residential, is on the south side of Elliott. No comments were received from adjacent property owners regarding this request.

MidAmerican Energy has three phase overhead electric lines along the north side of Elliott. Depending on the amount of grading, the poles will need to be adjusted to maintain proper clearance and support. All costs to modify the facilities will be the responsibility of Bethany. No estimate of the cost can be made until the extent of the grading is known.

The proposed rezoning is generally consistent with the 1994 Comprehensive Plan which shows the Bethany property on the south side of Elliott for multi-family use. It is a reasonable extension of the adjacent zoning.

Recommendation

The Community Development Department recommends rezoning Lot 4 and the south 20.5' of Lot 3, Block 1, Besley's Subdivision from R-1/Single Family Residential to R-3/Low Density Multi-Residential for the reasons cited above.

Public Hearing

Mike VanSickle, representing Bethany Lutheran Home, #7 Elliott Street, appeared before the Planning Commission in favor of the request. No one appeared in opposition to the request

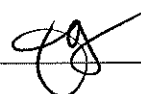
Planning Commission Recommendation

The Planning Commission recommends rezoning Lot 4 and the South 20.5' of Lot 3, Block 1, Besley's Subdivision from R-1/Single Family residential to R-3/Low Density Multi-family Residential for the reasons cited in the staff report.

VOTE: AYE 11 NAY 0 ABSTAIN 0 ABSENT 0 VACANT 0 Motion: Carried

Attachments: Zoning Map & Parking Lot Layout

Prepared by: Gayle M. Malmquist, Development Services Coordinator



5A

Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620
Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

ORDINANCE NO. 6006

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF CERTAIN GROUNDS, PREMISES AND PROPERTY LOCATED AT #4 ELLIOTT STREET, IN COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, FROM ITS PRESENT DESIGNATION AS R-1/SINGLE FAMILY RESIDENTIAL TO R-3/LOW DENSITY MULTI-FAMILY RESIDENTIAL, AS SET FORTH AND DEFINED IN CHAPTERS 15.08B AND 15.10 OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of certain grounds, property and premises located at #4 Elliott Street, as shown on the Attachments, and legally described as follows:

Lot 4 and the south 20.5' of Lot 3, Block 1, Besley's Subdivision, Council Bluffs,
Pottawattamie County, Iowa,

from its present designation as R-1/Single Family Residential to R-3/Low Density Multi-family

Residential, as set forth and defined in Chapters 15.08B and 15.10 of Title 15 “Zoning” of the 2005 Municipal Code of Council Bluffs, Iowa.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED
AND
APPROVED _____

THOMAS P. HANAFAN Mayor

Attest:

JUDITH RIDGELEY City Clerk

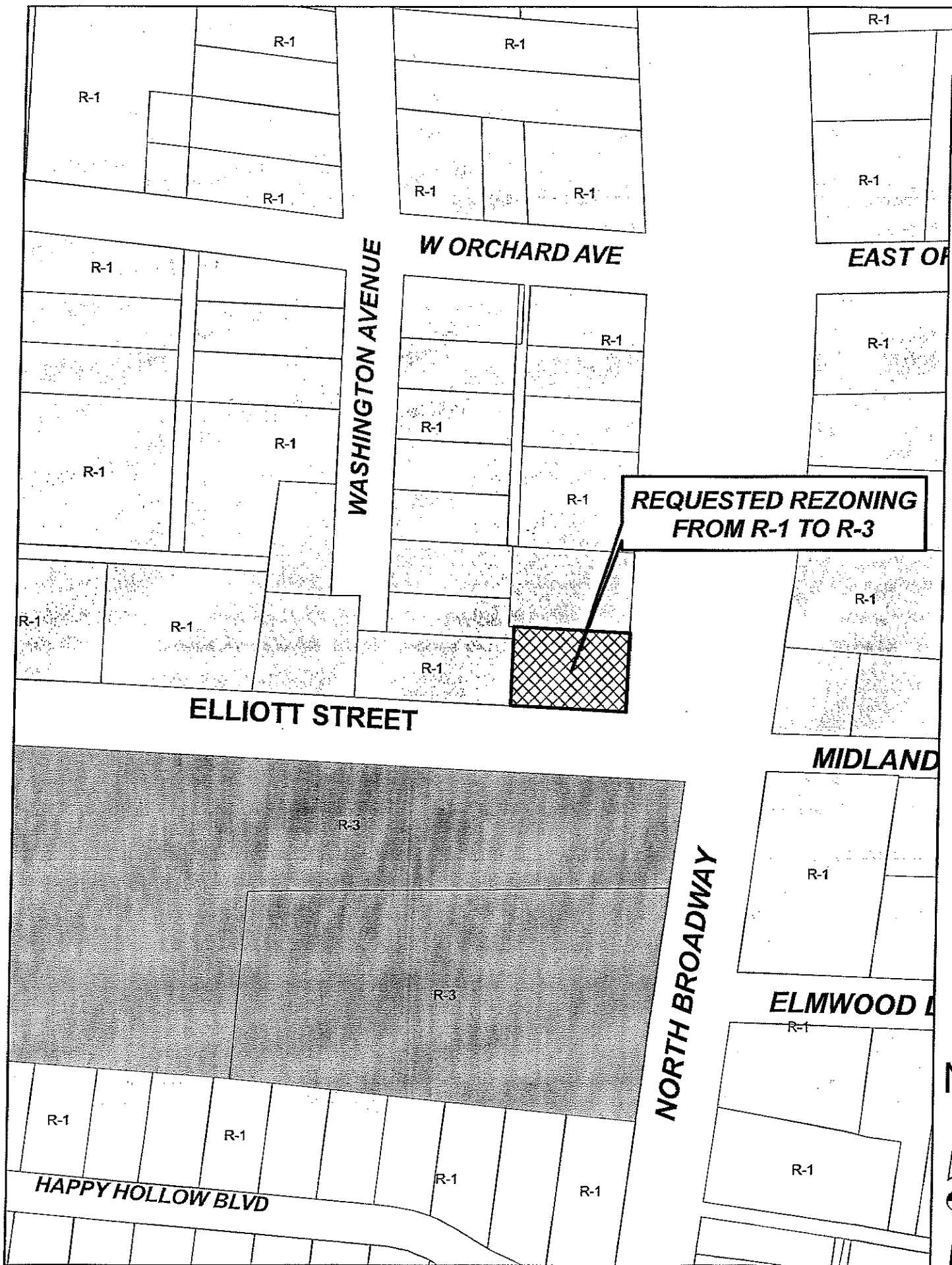
FIRST CONSIDERATION: _____

SECOND CONSIDERATION: _____

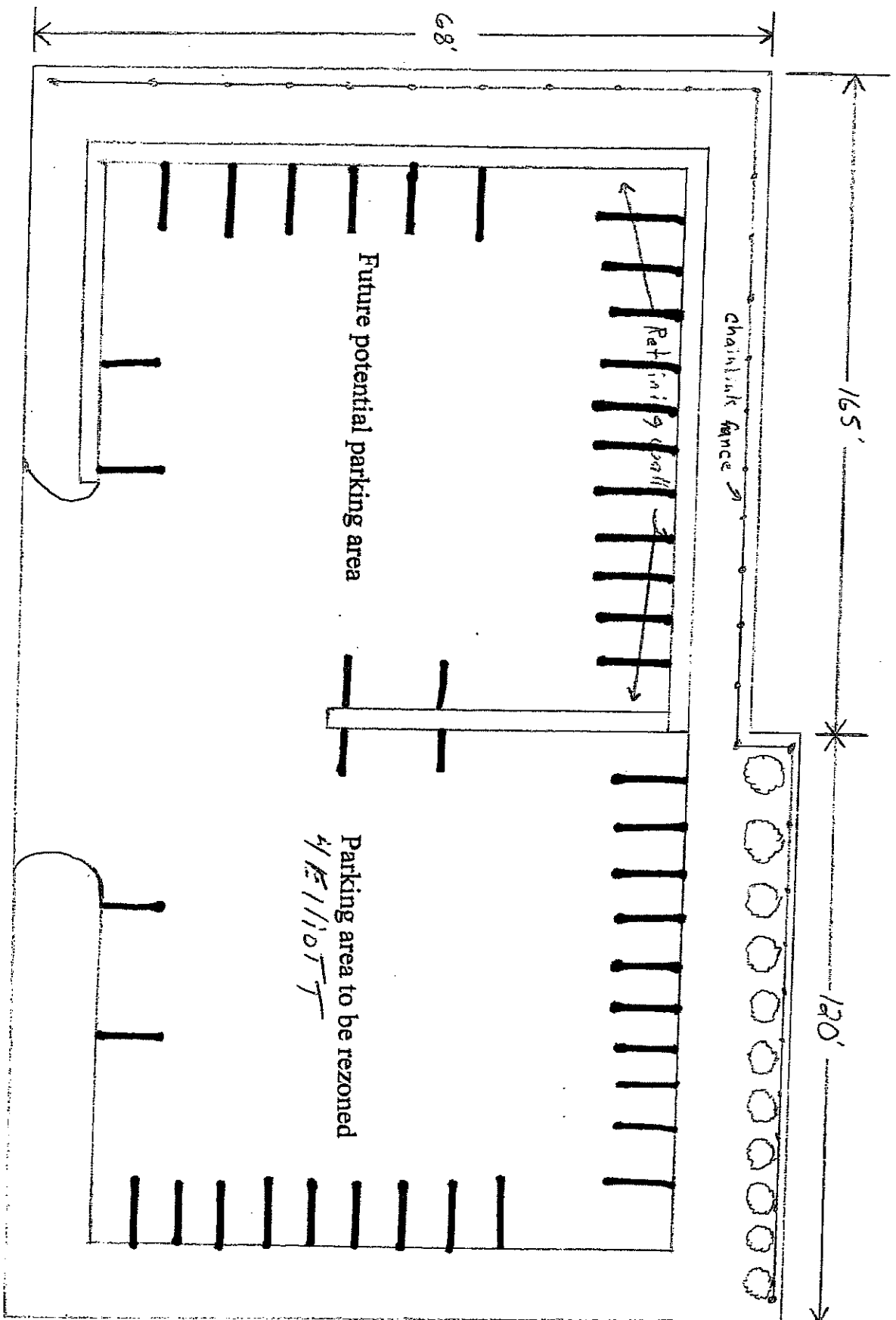
PUBLIC HEARING: _____

THIRD CONSIDERATION: _____

Planning Case No. ZC-08-010



N



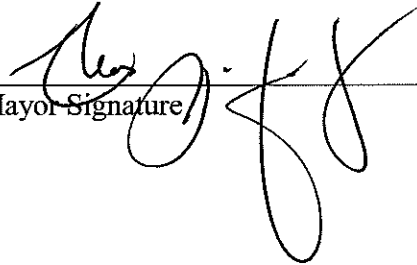
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Council Communication

Department: Legal Dept. Civil Rights Division Case/Project No.	Ordinance No. <u>6007</u> Resolution No.	First Reading <u>7/28/2008</u> Second Reading Third Reading
Subject/Title AN ORDINANCE to amend Chapter 1.40 "Council Bluffs Civil Rights Commission", of the 2005 Municipal Code of Council Bluffs, Iowa, by repealing Section 1.40.150 "Complaint procedures" and enacting a new Section 1.40.150 "Complaint procedures" to increase the amount of time to file a complaint, as set forth by state law.		
Background/Discussion Effective July 1, 2008, the statute of limitations for filing a complaint with the Iowa Civil Rights Commission increased from 180 to 300 days.		
Recommendation Approval of the ordinance amending Section 1.40.150 to be consistent with the State Code.		

Richard Wade

Department Head Signature



Mayor Signature

ORDINANCE NO. 6007

AN ORDINANCE to amend Chapter 1.40 “Council Bluffs Civil Rights Commission”, of the 2005 Municipal Code of Council Bluffs, Iowa, by repealing Section 1.40.150 “Complaint procedures” and enacting a new Section 1.40.150 “Complaint procedures” to increase the amount of time to file a complaint, as set forth by state law.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 1.40 “Council Bluffs Civil Rights Commission” of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing Section 1.40.150 “Complaint procedures” and enacting a new Section 1.40.150 “Complaint procedures”, to read as follows:

1.40.150 Complaint procedures.

- (a) An individual claiming to be aggrieved by a discriminatory practice, his or her agent, the director of the commission, the city attorney or a nonprofit organization with a purpose of combating discrimination, may file a written complaint stating that a discriminatory practice has been committed, setting forth the facts upon which the complaint is based, and setting forth facts sufficient to identify the person charged, who shall hereinafter be referred to as the respondent. The allegations of discriminatory practice set forth in the complaint shall be promptly reviewed by staff, and a copy shall be sent by certified mail to the respondent. The complaint must be made within ~~one hundred eighty (180)~~ three hundred (300) days after the alleged discriminatory practice occurs.
- (b) It is recommended that all parties consider entering into no-fault mediation prior to a full investigation of the complaint.
- (c) The director may administratively close a case for failure to cooperate with the commission or its representatives.
- (d) A complainant may request a administrative release/right-to-sue after their complaint has been on file for more than 60 days. Once a right-to-sue has been issued, the complaint will be closed, and the complainant will have 90 days to commence an action in Iowa District Court.
- (e) If it is determined, after investigation, that no probable cause exists for such complaint, the commission shall notify the complainant and respondent of such determination, and the case shall be closed with the commission.
- (f) If it is determined, after investigation, that probable cause does exist for crediting the allegations of the complaint, the commission’s staff shall promptly proceed with conciliation.

(g) Legal department staff shall notify the Iowa Civil Rights Commission whenever a finding of probable cause or no probable cause has been made with respect to any case within their jurisdiction or whenever such case is otherwise closed.

(h) The complaint may be amended at any time prior to the scheduling of the complaint for a public hearing and, thereafter, only upon the consent of the person or persons conducting the hearing. Such leave shall be freely given when justice so requires.

(i) Legal department staff shall notify the Iowa Civil Rights Commission of all complaints filed within five working days of the filing of the complaint.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions

of this ordinance are hereby repealed. This is Ord. 5910 § 1 (part), 2007.

SECTION 3. Severability Clause. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions, shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. Effective Date. This ordinance shall be in full force and effect from and after its final passage and publication as by law provided.

PASSED
AND
APPROVED _____

THOMAS P. HANAFAN

Mayor

Attest: _____

JUDITH RIDGELEY

City Clerk

First Consideration: _____

Second Consideration: _____

Public Hearing: _____

Third Consideration: _____

Council Communication

Department: Health	Ordinance No. <u>6008</u>	
Case/Project No.	Resolution No. _____	Date: <u>7/28/08</u>
Applicant: Donn Dierks		
Subject/Title		
Development of a new ordinance, Chapter 4.21, entitled Urban Deer Management Program.		
Background/Discussion		
<p>The Council Bluffs Animal Shelter has been tracking the number of dead deer collected from City streets and private properties since the year 2000. In 2000, the number of dead deer collected numbered 56 and has climbed to 239 in 2006. The number of dead deer collected in recent years shows a need to manage the deer population before the situation becomes more problematic.</p> <p>A deer management task force has been formed and has been meeting regularly over the last 18 months along with the Iowa Department of Natural Resources. The task force feels that bow hunting for antlerless deer is the best approach to effectively manage the deer herds in Council Bluffs.</p> <p>Quality deer management is a strategy and philosophy that involves managing deer herds in a biologically and socially sound manner within existing habitat conditions. Simply put, quality deer management is sound deer management. Quality deer management is not trophy deer management, where emphasis is placed on producing bucks with antlers. Also, quality deer management is not just about shooting does. It encourages active participation in an antlerless deer harvest where appropriate and advocates the protection of young bucks. The recommended antlerless harvest should be determined by deer density, sex ratio, habitat conditions and landowner objectives. Hunters practicing quality deer management in essence, become managers by improving the age structure (allowing yearling bucks to survive to maturity) and sex ratio (harvesting adequate numbers of does), managing the habitat and keeping detailed records on deer observed and killed.</p> <p>This ordinance will help to effectively management the growing number of deer in the Council Bluffs corporate limits.</p>		
Recommendation		
I would recommend that City Council concur with the attached ordinance enabling us to effectively manage our deer in Council Bluffs.		

Department Head



Mayor Signature

5 C

ORDINANCE NO. 6008

AN ORDINANCE to amend Title 4 “Health and Sanitation” of the 2005 Municipal Code of Council Bluffs, Iowa, by enacting a new Chapter 4.21, entitled “Urban Deer Management Program”.

PREAMBLE: If any provision of this ordinance is in conflict with the provisions set forth in Section 8.74.010 “Discharge of firearms in city limits”, the provisions of this ordinance shall prevail.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Title 4 “Health and Sanitation” of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by enacting a new Chapter 4.21, entitled “Urban Deer Management Program”, to read as follows:

CHAPTER 4.21

URBAN DEER MANAGEMENT PROGRAM

Sections:

- 4.21.010 Definitions.
- 4.21.020 Hunting regulations.
- 4.21.030 Penalty for violation.

4.21.010 Definitions. The following terms shall be defined as follows:

1. “Antlerless” shall mean a deer with no visible forked antler.
2. “Arrow” shall be limited to the arrows allowed by the Iowa Department of Natural Resources (DNR); except, a hunter with a disability may qualify under DNR guidelines to use an alternative propelled device.
3. “Bow” shall be limited to the bows allowed by the Iowa Department of Natural Resources (DNR); except, a hunter with a disability may qualify under DNR guidelines to use an alternative bow.
4. “Elevated Stand” shall mean at a height of at least six vertical feet off the ground in a manufactured stand (tree stand, ladder stand, tripod, quad pod, or tower), with an approved safety harness or safety system attached to the stand, to ensure that the hunter’s body is not in contact with the ground and to ensure a downward thrust of the arrow released by bow hunting; except, a hunter with a disability may qualify under DNR guidelines to use an alternative to the elevated stand.

5. "Urban Antlerless Deer License" shall mean a document issued by the DNR in addition to the small game hunting license to allow a bow hunter to harvest an antlerless deer under the City's urban bow hunting program.

6. "Permission Form" shall mean a document issued by the City, which requires the hunter to receive written authorization from the property owner or property manager for the hunter to hunt on the private property, and to file the document with the City.

7. "Usable Portion" shall mean any part of a deer that is customarily processed for consumption.

8. "Button Buck" shall mean a male deer with antlers that are less than three inches long.

4.21.020 Hunting regulations. (a) Licensed bow hunters meeting the requirements established by the Iowa Department of Natural Resources (DNR) may hunt antlerless deer within the areas designated A1 or A2 on public or private property, under all of the following conditions:

1) Hunting may occur only on dates designated by DNR as bow-hunting season in the areas designated A1 or A2 by persons who are at least eighteen years of age and licensed for such hunting, and this license must be carried on his/her person;

2) Hunters must have written permission from the property owner, and must carry that written permission form on his/her person, and the portion of the Council Bluffs zoning map which verifies that the property is within the A1 or A2 zone;

3) Hunters cannot carry an uncased bow within 300 feet of any residence or within 75 feet of any trail, road or building;

4) Hunters must take all shots from an elevated stand and shoot no further than 25 yards;

5) Hunters must comply with all Iowa DNR rules for hunting within the corporate limits of Council Bluffs;

6) Hunters must participate in a bow hunter safety education course certification and an annual archery proficiency test certification; and

7) Hunters must take all deer meat to be processed or given to charity.

(b) Licensed bow hunters meeting the requirements established by the DNR may hunt antlered deer within the areas designated as A1 or A2 on public or private property, under all of the following conditions:

1) All conditions set forth in Section 4.21.020(a)(1-7).

2) A limited number of antlered deer may be taken according to an incentive program that may be adopted by the Council Bluffs Deer Task Force and approved by the DNR.

4.21.020 Penalty for violation. Any person found guilty of a violation of any of the provisions of this chapter shall, upon conviction, be subject to the penalty provisions set forth in Section 8.02.020 of this code. Each day that a violation is allowed to continue shall constitute a separate and distinct violation. At the discretion of the city attorney, any violation of the provisions of this chapter may be pursued as a municipal infraction according to the terms of Chapter 1.95 in lieu of criminal prosecution.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Severability Clause. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions, shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. Effective Date. This ordinance shall be in full force and effect from and after its final passage and publication as by law provided.

PASSED
AND
APPROVED _____

THOMAS P. HANAFAN Mayor

Attest: _____
JUDITH RIDGELEY City Clerk

First Consideration: July 28, 2008
Second Consideration: _____
Public Hearing: _____
Third Consideration: _____

Council Communication

Department: Community Development Case No. PC-08-002 Applicant: Buck's Inc. 4973 Dodge Street Omaha NE 68131	Resolution No. <u>08-227</u>	City Council: July 28, 2008 Planning Commission: July 8, 2008
Subject/Title Adopt the Planned Commercial Development Plan for a new Bucky's Express gasoline station and convenience store located in Part of Blocks 72 and 97, Railroad Addition and vacated 28 th Avenue right-of-way. The site is north of Interstate 80, on the east side of South 24 th Street. The property is zoned PC/Planned Commercial requiring a development plan approved by City Council resolution after public hearing and recommendation by the Planning Commission.		
Background/Discussion Buck's Inc. intends to demolish both the 1,420 square foot Sinclair station and the 5,750 square foot Conoco station and replace them with a 4,600 square foot convenience store and 2,300 square foot car wash as shown on the attachment. The building is a mix of EFIS, split face and smooth face CMU in putty, wheat and vanilla. The trash enclosure is composed of material complementary to the building; however, the location is not shown. Both storm and sanitary sewer are available with adequate capacity to serve the site. The existing natural gas and water services for the two businesses will be abandoned/killed and replaced with the new building. A service tap and meter fees sized for the use will be connected to the existing water main in South 24 th Street. Overhead electric along 24 th Street extending east from South 24 th Street which served the Sinclair station will be removed. Underground electric in conduit will replace the on-site overhead service. The Community Development Department has agreed to advise the Iowa Department of Transportation (IDOT) of all development within a defined area so they can assess potential impacts to the Interstate reconstruction project within the City. IDOT notes that this development does not appear to impact interstate reconstruction. One vehicular entrance along South 24 th Street will be removed and the south entrance modified to meet current standards. The locations are consistent with the plans developed for the South 24 th Street improvements. The 27 th Avenue entrance will be moved to the east. A drive connecting the land to the east will remain. A four foot wide sidewalk, four feet back from the curb is required along both South 24 th Street and 27 th Avenue. Coordination with IDOT during the South 24 th Bridge reconstruction is needed for both the installation of the sidewalk and the drive approaches. There is considerable amount of IDOT row between Bucky's and South 24 th Street/IDOT right-of-way. The landscaping plan shows sod and irrigation as part of Bucky's site improvements. IDOT has a permit application for landscaping and mowing, based on the proposed activities and subject to safety guidelines. A permit is required for any activity which takes place on IDOT right-of-way. The applicant's representative is aware of these items. Twenty parking spaces are shown adjacent to the convenience store. Ten pump stations are located under a canopy with four more canopied pumps and eight vacuum stations to the south. Parking is adequate for the intended use. The attached signage shown for the building is acceptable. Locations for the conduit for both a monument and a pole sign are shown on Sheet E5.1. A pole sign is shown at the southeast corner of the lot, next to the Interstate. A monument sign is shown in South 24 th Street right-of-way. This sign must be located within the premises. Dimensions and height are not included. The existing pole signs will be removed with demolition. Maximum sign height adjacent to the Interstate is 50 feet.		
Recommendation The Community Development Department recommends adopting the Planned Commercial Development plan for Buck's Express located in part of Blocks 72 and 97, vacated 28 th Avenue right-of-way and vacated		

alleys therein, Railroad Addition, by approving the plan as shown on Attachment 'A', with the following notes and exceptions:

1. The landscape plan as shown on Sheet C1.7, is approved with the following conditions:
 - a. Trees with the same spacing as shown along South 24th Street, south of the drive shall be added along the south and east property lines.
 - b. Low growing scrubs shall be planted in the area north of the South 24th Street entrance drive adjacent to the right-of-way to the treed area. Adjustments to the pavement may be needed at that location to accommodate a monument sign which cannot extend beyond the property line.
 - c. All landscaped areas shall be included in the site irrigation system, as noted.
 - d. The irrigation system and landscaping consistent with the approved plan as modified shall be in place prior to issuance of the Certificate of Occupancy for the building.
 - e. Enter into an agreement with IDOT for mowing/maintenance of the ROW between South 24th Street and the property line.
2. Sidewalk shall be constructed by the developer at no cost to the City along South 24th Street to connect and match the sidewalk IDOT will install to the south with the bridge reconstruction. Sidewalk is also required along the 27th Avenue street frontage. Sidewalk will be 4' wide and set 4' from the back of curb.
3. Coordinate construction plans with IDOT for the sidewalk, curb drop and drive returns along South 24th Street.
4. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity.
5. All applicable permits necessary to meet local state and federal requirements shall be the owner's responsibility. All work in IDOT right-of-way requires a permit.
6. The developer shall maintain all clearances from existing electric facilities and pay all costs associated with extending or relocating any facilities. Developer shall install the conduit system to meet MidAmerican requirements and provide a 15' wide easement for all of the underground facilities at no cost to the utility.
7. Complete arrangements with the Council Bluffs Water Works to kill the two existing services and engage a licensed master plumber for the service tap and meter connections sized to serve the use.
8. Attached signage, as shown is acceptable.
9. Detached signage shall be limited to:
 - a. One 10' tall monument sign, maximum area – 60 square feet per side, moved from the South 24th Street right-of-way to another location between South 24th and 27th Avenue.
 - b. One 50' tall (maximum) pole sign, maximum area – 150 square feet per face.
 - c. Banners are not permitted.
10. Signage shall comply with all applicable city, state and federal regulations. The applicant or an authorized agent shall obtain all necessary sign permits.
11. The location of the trash enclosure is not shown on the plan, although details shown for the trash screen on Sheet C2.2 show a fully enclosed and gated enclosure complementary in material and color to the buildings. The proposed location was given to the Planning Commission and added to the attachment. No other outside storage is permitted.

Public Hearing

Randy Beiermann, 2033 North 187th Terrace, Elkhorn, NE appeared before the Planning Commission in favor of the request. No one appeared in opposition.

Planning Commission Recommendation

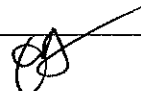
The Planning Commission recommends adoption of the Planned Commercial Development Plan for Buck's Express as shown in Attachment 'A' with the notes and exceptions cited in the staff report.

VOTE: AYE 11 NAY 0 ABSTAIN 0 ABSENT 0 VACANT 0 Motion: Carried

Attachment A - Plan Set - 10 pages, plus trash enclosure location.

Representative: Randy Beiermann, R. L. Fauss, 839 South Broad Street, Fremont NE 68025

Submitted by: Gayle M. Malmquist, Development Services Coordinator



RESOLUTION NO. 08-227

A RESOLUTION to adopt a Planned Commercial Development Plan for Bucky's Express gasoline station and convenience store located in part of Blocks 72 and 97, Railroad Addition and vacated 28th Avenue right-of-way, north of Interstate 80 on the east side of South 24th Street.

WHEREAS, Buck's Inc. is requesting adoption of a Planned Commercial Development Plan for a Bucky's Express, to be located in part of Blocks 72 and 97, vacated 28th Avenue right-of-way, and vacated alleys therein, Railroad Addition; and

WHEREAS, the applicant intends to demolish both the 1,420 sq. ft. Sinclair station and the 5,750 sq. ft. Conoco station and replace them with a 4,600 sq. ft. convenience store and 2,300 sq. ft. car wash, as shown on the attachment; and

WHEREAS, the property is zoned PC/Planned Commercial, requiring a development plan approved by the City Council; and

WHEREAS, the Community Development Department recommends adopting the Planned Commercial Development Plan for Bucky's Express, located in part of Blocks 72 and 97, vacated 28th Avenue right-of-way and vacated alleys therein, Railroad Addition, by approving the plan as shown on Attachment "A" with the following notes and exceptions:

1. The landscape plan, as shown on Sheet C1.7, is approved with the following conditions:

a. Trees with the same spacing as shown along South 24th Street, south of the drive, shall be added along the south and east property lines.

b. Low-growing shrubs shall be planted in the area north of the South 24th Street entrance drive adjacent to the right-of-way to the treed area. Adjustments to the pavement may be needed at that location to accommodate a monument sign which cannot extend beyond the property line.

c. All landscaped areas shall be included in the site irrigation system, as noted.

d. The irrigation system and landscaping consistent with the approved plan as modified shall be in place prior to issuance of the Certificate of Occupancy for the building.

e. Enter into an agreement with IDOT for mowing/maintenance of the ROW between South 24th Street and the property line.

2. Sidewalk shall be constructed by the developer at no cost to the City along South 24th Street to connect and match the sidewalk IDOT will install to the south with the bridge reconstruction. Sidewalk is also required along the 27th Avenue street frontage. Sidewalk will be 4' wide and set 4' from the back of curb.

3. Coordinate construction plans with IDOT for the sidewalk, curb drop and drive returns along South 24th Street.

4. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way during site preparation, utility installation

and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity.

5. All applicable permits necessary to meet local, state and federal requirements shall be the owner's responsibility. All work in IDOT right-of-way requires a permit.

6. The developer shall maintain all clearances from existing electric facilities and pay all costs associated with extending or relocating any facilities. Developer shall install the conduit system to meet MidAmerican requirements and provide a 15' wide easement for all of the underground facilities at no cost to the utility.

7. Complete arrangements with the Council Bluffs Water Works to kill the two existing services and engage a licensed master plumber for the service tap and meter connections sized to serve the use.

8. Attached signage, as shown, is acceptable.

9. Detached signage shall be limited to:

a. One 10' tall monument sign, maximum area – 60 sq. ft. per side, moved from the South 24th Street right-of-way to another location between South 24th Street and 27th Avenue.

b. One 50' tall (maximum) pole sign, maximum area – 150 sq. ft. per face.

c. Banners are not permitted.

10. Signage shall comply with all applicable city, state and federal regulations. The applicant or an authorized agent shall obtain all necessary sign permits.

11. The location of the trash enclosure is not shown on the plan, although details shown for the trash screen on Sheet C2.2 show a fully enclosed and gated enclosure complementary in material and color to the buildings. The location must be presented with the building permit application for administrative approval. No other outside storage is permitted.

WHEREAS, the Planning Commission concurs with the Community Development Department recommendation.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That the Planned Commercial Development Plan for the Bucky's Express to be located in part of Blocks 72 and 97, vacated 28th Avenue right-of-way and vacated alleys therein, Railroad Addition, north of Interstate 80, on the east side of South 24th Street, is hereby approved, subject to the conditions set forth above.

RESOLUTION NO. 08-227

PAGE THREE

ADOPTED

AND

APPROVED July 28, 2008

THOMAS P. HANAFAN

Mayor

Attest:

JUDITH RIDGELEY

City Clerk

Planning Case No. PC-08-002

BUCKY'S EXPRESS
24TH STREET AND I-80
COUNCIL BLUFFS, IOWA

JOSEPH W. ENGEL AND ASSOCIATES, ARCHITECTS
2110 South 166th Circle
Omaha, NE 68130-2505
(402) 330-8287 Fax: (402) 330-8331
email:RWVArchitects@RWVArchitects.com

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ANALYTICAL

[illegible]

GENERAL CIVIL NOTES

1. THE CONTRACTOR SHALL MAINTAIN THE STABILITY AND LOCATION OF ALL MATERIALS TO BE REMOVED PRIOR TO BEGINNING CONSTRUCTION OPERATIONS.
2. THE CONTRACTOR SHALL NOTIFY THE ARCHITECT IMMEDIATELY UPON THE OCCURRENCE OF ANY COLLAPSE OR SETTLEMENT OF THE CONSTRUCTION EQUIPMENT OR THE CONSTRUCTION OPERATIONS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCEPTANCE OF THE CONDITIONS.
4. THE LOCATIONS OF ALL AERIAL AND UNDERGROUND UTILITIES SHALL NOT BE INDICATED IN THEIR PLANS. THE CONTRACTOR SHALL MAINTAIN ALL UTILITIES LOCATIONS IN THE FIELD PRIOR TO BEGINNING CONSTRUCTION OPERATIONS.
5. THE CONTRACTOR SHALL BE HELD RESPONSIBLE FOR ANY DAMAGE TO THE UTILITIES, UTILITIES AND APPURTENANCES, AND SHALL REPAIR THEM AT HIS OWN EXPENSE.
6. THE DRAINAGE SHALL NOT BE SCALED.
7. ALL PAVING WORKING AND FINISH OPERATIONS, SUCH AS TO THE BACK OF CURB.
8. THE CONTRACTOR SHALL REMOVE OF ALL REMOVABLE MATERIALS FROM THE CONSTRUCTION AREA, AND SHALL MAINTAIN THE STABILITY OF THE PROJECT SITE, INCLUDING CONCRETE ADJACENT AREAS, PRIOR TO THE REMOVAL OF ANY REMOVABLE MATERIAL, AS DETERMINED BY THE ENGINEER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF THE COST FOR DISPOSAL OF REMOVABLE MATERIAL SHALL BE DISCRETIONARY TO THE PROJECT.
9. THE CONTRACTOR SHALL PAY ALL PERMIT, DEVELOPMENT AND OTHER AT NO ADDITIONAL COST TO THE OWNER.
10. ALL PAVING, CURBING, FINISH WORK, AND OTHER STRUCTURES NOT DETERMINED FOR REMOVAL, WHICH ARE DAMAGED BY THE CONSTRUCTION, SHALL BE REPAIRED, REMOVED AND REPLACED BY THE CONTRACTOR AT HIS OWN EXPENSE.
11. ALL PAINTWORK TO BE REMOVED SHALL BE \$4M OUT PER DEPTH.
12. THE CONTRACTOR SHALL REMOVE AND MAINTAIN ALL NECESSARY STRENGTHENING AND REPAIRS TO THE EXISTING STRUCTURES AND ALL THE STRENGTHENING MATERIALS FOR WORKING CONSTRUCTION AND FOR THE COMPLETED BY THE ENGINEER.

MATERIAL NOTES

1. APPLICATION OF FORMS AND ALL OTHER EXTERIOR FINISHES SHALL BE COMPLETED BY THE BIDDER PRIOR TO STARTING CONCRETE AS SPECIFIED IN THE LOCAL STATUTE BOOKS. ALL SUCH PREPARATIONS FOR PUBLIC WORKS SHALL BE IN ACCORDANCE WITH THE LOCAL STATUTE BOOKS.
2. ALL FORMS AND REINFORCEMENT SHALL BE PROTECTED AND SHALL CONFORM TO ASH AND ALUMINUM TYPE SHALL BE USED TO LOCOP PILE.
3. REINFORCEMENT SHALL BE IN ACCORDANCE WITH THE LOCAL STATUTE BOOKS. ALL REINFORCEMENT SHALL BE PROTECTED AND SHALL CONFORM TO ASH AND ALUMINUM TYPE SHALL BE USED TO LOCOP PILE.
4. JOINT REINFORCEMENT SHALL BE IN ACCORDANCE WITH THE LOCAL STATUTE BOOKS. ALL REINFORCEMENT SHALL BE PROTECTED AND SHALL CONFORM TO ASH AND ALUMINUM TYPE SHALL BE USED TO LOCOP PILE.
5. CONCRETE SHALL BE CURED WITH A WETTED OR WETTED CURB. THE CURING COMPOUND SHALL BE A LIQUID RESIN BASE COMPLYING WITH C-1000 TYPE 1 CLASS 1 OR 2.
6. WATER REDUCING ADJUTANT MAY BE ADDED TO ALL HAND - PLACED OR FINISHED CONCRETE.
7. REINFORCEMENT SHALL BE IN ACCORDANCE WITH THE LOCAL STATUTE BOOKS. ALL REINFORCEMENT SHALL BE PROTECTED AND SHALL CONFORM TO ASH AND ALUMINUM TYPE SHALL BE USED TO LOCOP PILE.
8. REINFORCEMENT SHALL BE IN ACCORDANCE WITH THE LOCAL STATUTE BOOKS. ALL REINFORCEMENT SHALL BE PROTECTED AND SHALL CONFORM TO ASH AND ALUMINUM TYPE SHALL BE USED TO LOCOP PILE.
9. ALL MATERIALS, NOT EXCEPTED, SHALL BE IN ACCORDANCE WITH THE LOCAL STATUTE BOOKS. ALL REINFORCEMENT SHALL BE PROTECTED AND SHALL CONFORM TO ASH AND ALUMINUM TYPE SHALL BE USED TO LOCOP PILE.

LAWN IRRIGATION SYSTEM

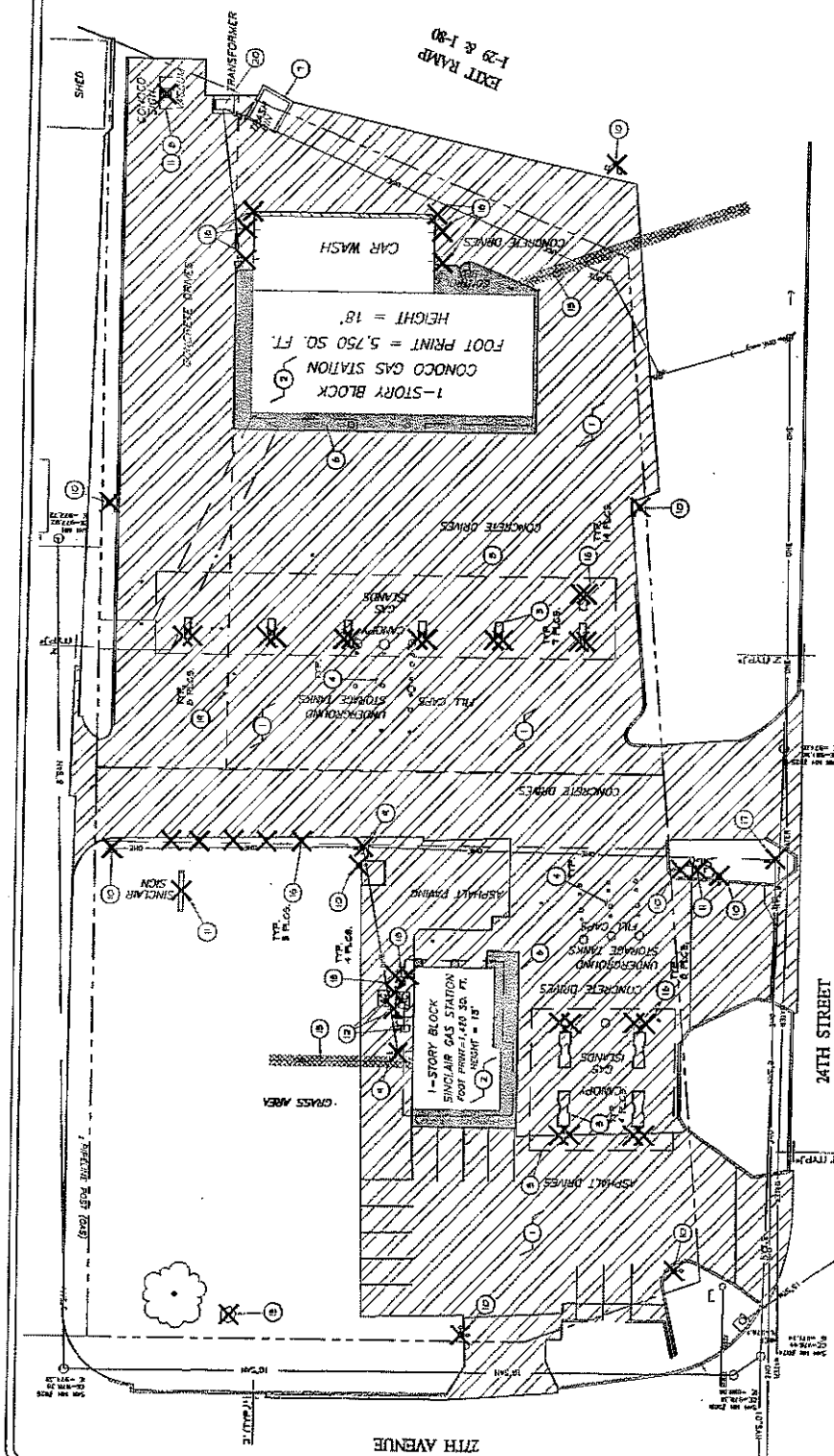
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LANDSCAPING GUARANTEE

- [illegible]





LANDSCAPING NOTES

- [illegible]



NOTE:
SEE SITE PLAN FOR LIMITS
OF PAVEMENT LUSCITE.

DEMOLITION LEGEND

- | | |
|--|-----------------------|
|  | PAVEMENT REMOVAL |
|  | SIDEWALK REMOVAL |
|  | MISCELLANEOUS REMOVAL |
|  | MISCELLANEOUS REMOVAL |



SITE DEMOLITION PLAN

SCALE 1-70
100 90 80 70 60 50 40 30 20 10 0

DEMOLITION KEY NOTES

- | | |
|---|--|
| 1 REMOVE PLASTER | 11 REMOVE SIGN, FOUNDATION, AND ANY ASSOCIATED ITEMS |
| 2 REMOVE BUILDING AND GAR. WASH (AS APPLICABLE) | 12 REMOVE AIR CONDITIONING UNIT AND ASSOCIATED PIPING & WIRING |
| 3 REMOVE CANYON AND FOUNDATIONS | 13 REMOVE GAS SERVICE LINE |
| 4 REMOVE INTERMEDIATE TANKS AND ALL ASSOCIATED PIPING | 14 REMOVE TRANSDUCER AND ASSOCIATED WIRING |
| 5 REMOVE GAS PIPING | 15 REMOVE TREE AND ROOT SYSTEM IN THEIR ENTIRETY |
| 6 REMOVE SKEWALC | 16 REMOVE BOLLARD IN ITS ENTIRETY |
| 7 REMOVE TRASH ENCLOSURE | 17 RELOCATE POWER POLE |
| 8 REMOVE VACUUM AND ALL ASSOCIATED ITEMS | 18 REMOVE FENCE |
| 9 REMOVE POWER POLE AND ASSOCIATED POWER LINES | 19 REMOVE MONITORING WELL |
| 10 REMOVE LIGHT POLE AND REMOVATION | 20 TRANSDUCER & PIPING TO REMAIN - DO NOT DISBURSE |



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24TH STREET & I-90, COUNCIL BLUFFS, IOWA
BUCKS INC.

hgm
ASSOCIATES INC.
ENGINEERING ARCHITECTURE SURVEYING
Council Bluffs, Iowa

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SITE PLAN
SCALE: 1" = 20'

RADIUS POINTS

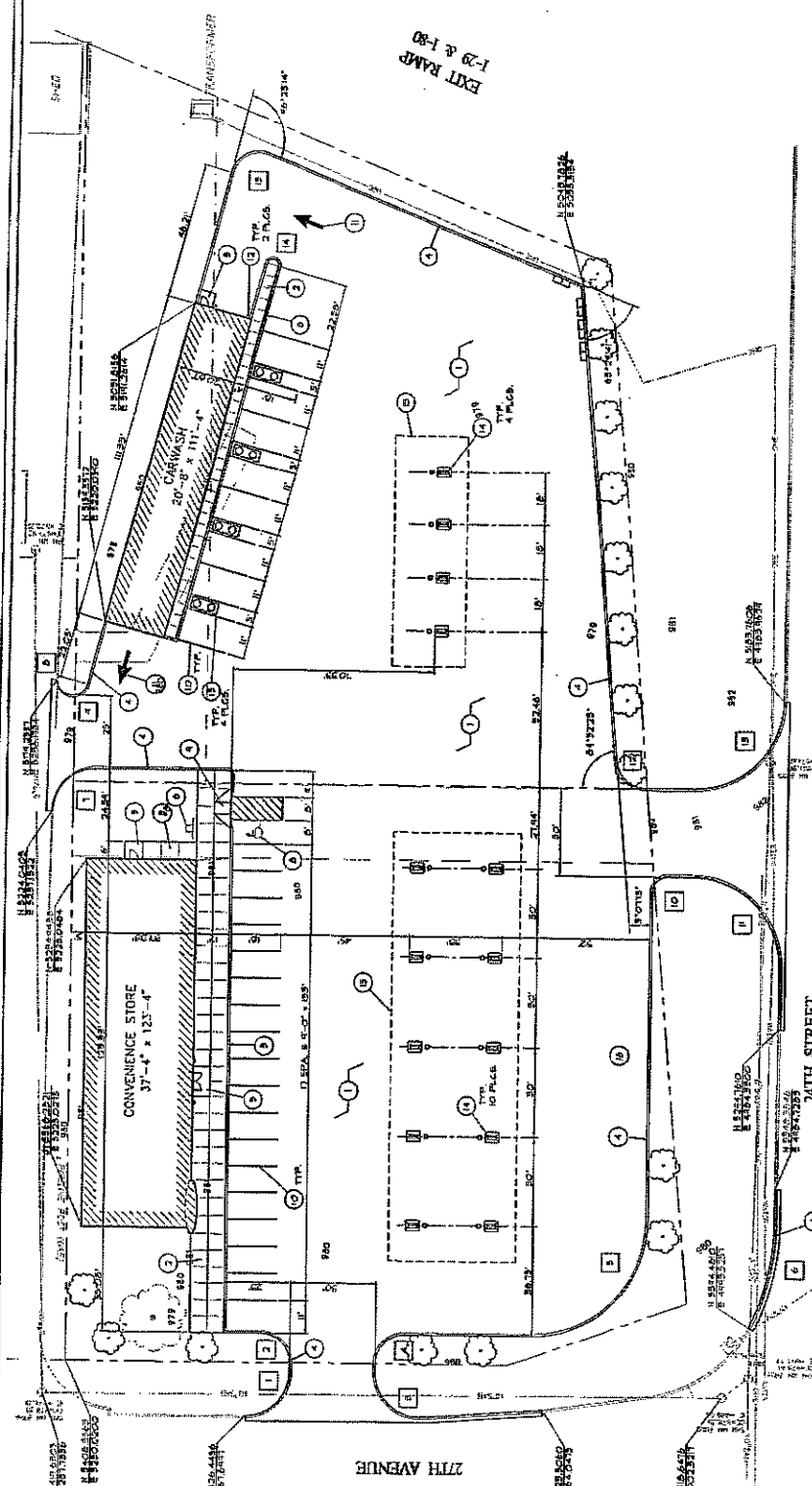
RADIUS	NORTHING	EASTING
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3	3462370	397610
4	3462370	397610
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6	3462370	397610
7	3462370	397610
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11	3462370	397610
12	3462370	397610
13	3462370	397610
14	3462370	397610
15	3462370	397610



SITE PLAN
SCALE: 1" = 20'

CONSTRUCTION KEYNOTES

1. P.C. CONCRETE PAVEMENT SEE DETAIL SHEET C22
2. 4" P.C. CONCRETE CURB SEE DETAIL SHEET C22
3. 4" P.C. CONCRETE CURB SEE DETAIL SHEET C22
4. 4" P.C. CONCRETE CURB SEE DETAIL SHEET C22
5. 4" P.C. CONCRETE CURB SEE DETAIL SHEET C22
6. 4" P.C. CONCRETE CURB SEE DETAIL SHEET C22
7. 4" P.C. CONCRETE CURB SEE DETAIL SHEET C22
8. 4" P.C. CONCRETE CURB SEE DETAIL SHEET C22
9. 4" P.C. CONCRETE CURB SEE DETAIL SHEET C22
10. 4" P.C. CONCRETE CURB SEE DETAIL SHEET C22
11. 4" P.C. CONCRETE CURB SEE DETAIL SHEET C22
12. 4" P.C. CONCRETE CURB SEE DETAIL SHEET C22
13. 4" P.C. CONCRETE CURB SEE DETAIL SHEET C22
14. 4" P.C. CONCRETE CURB SEE DETAIL SHEET C22
15. 4" P.C. CONCRETE CURB SEE DETAIL SHEET C22



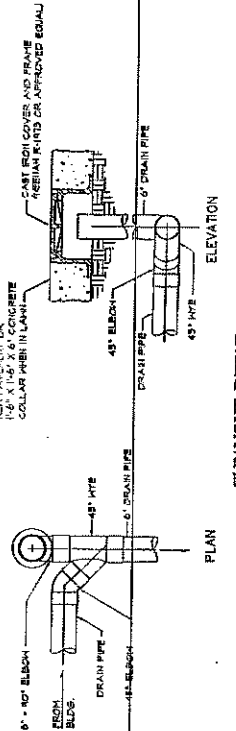
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BUCKS INC.

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ENGINEERING ARCHITECTURE SURVEYING
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CLEANOUT DETAIL



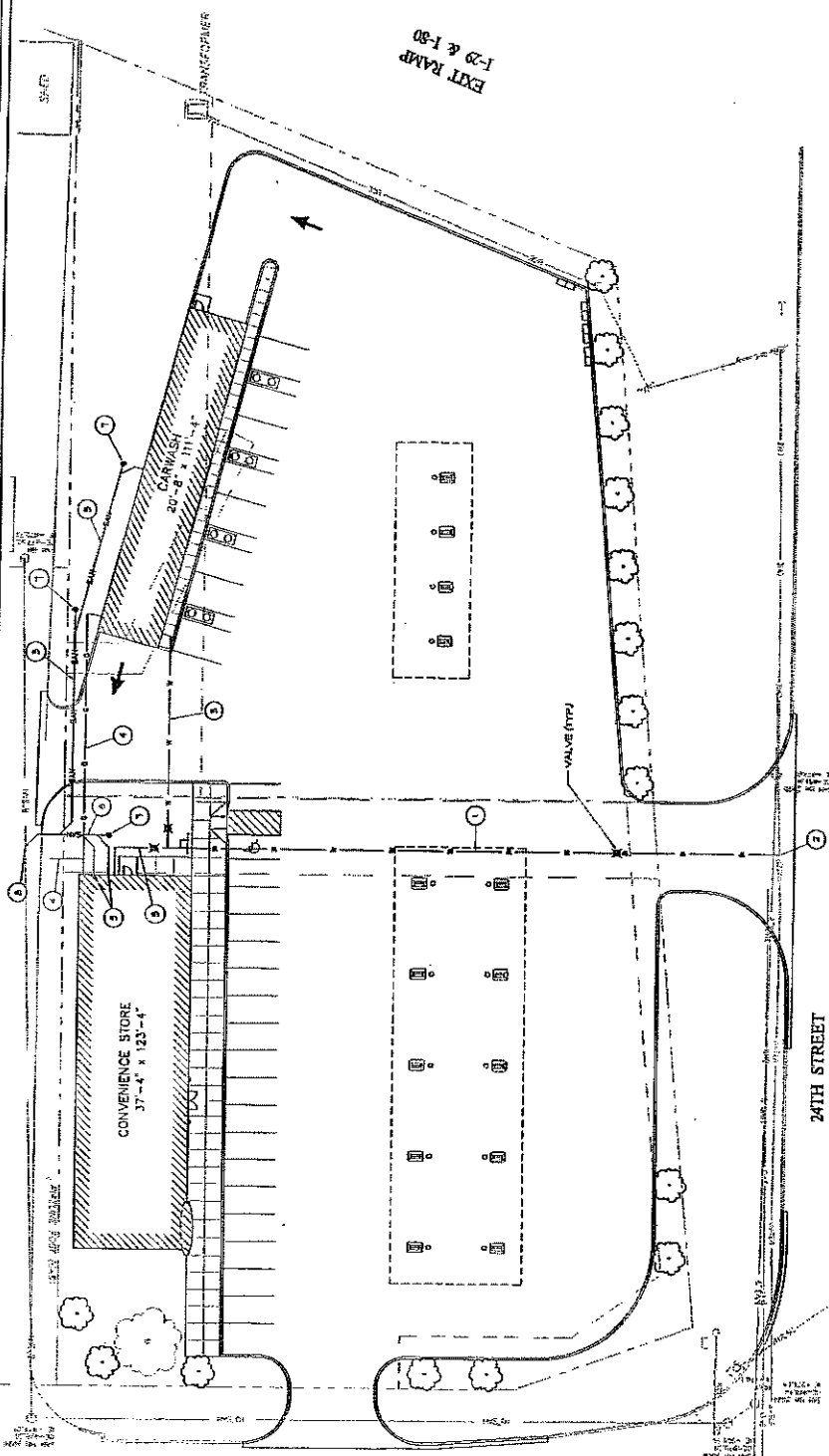
UTILITY KEYNOTES

- 1 4" FLEXIBLE IRON WATERLINE
- 2 4" WATER SERVICE WITH GROUND STOP INTO EXISTING WATER MAIN
- 3 INSTALLATION SHALL MEET REQUIREMENTS OF CONRAD BLUFFS WATERWORKS
- 4 2" WATERLINE WITH 2" VALVE
- 5 GAS SERVICE TO BUILDING INCLUDING PIPING, WATER MAIN AND GAS VALVES & REGULATOR SHALL BE INSTALLED BY GAS UTILITY COMPANY.
- 6 4" PVC SANITARY SEWER PIPE (300# MIN. SLOPE)
- 7 6" PVC SANITARY SEWER PIPE (0.50% MIN. SLOPE)
- 8 SANITARY CLEANOUT
- 9 12" DRAINAGE MANHOLE
- 10 12" DRAINAGE MANHOLE
- 11 12" DRAINAGE MANHOLE
- 12 12" DRAINAGE MANHOLE
- 13 12" DRAINAGE MANHOLE
- 14 12" DRAINAGE MANHOLE
- 15 12" DRAINAGE MANHOLE
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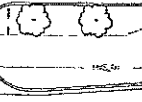
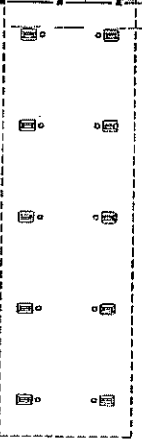
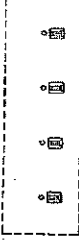
SITE UTILITY PLAN
SCALE: 1"=40'

24TH STREET

27TH AVENUE



EXIT RAMP
I-29 & I-80





LANDSCAPING PLAN

STODDED AREA WITH IRRIGATION SYSTEM

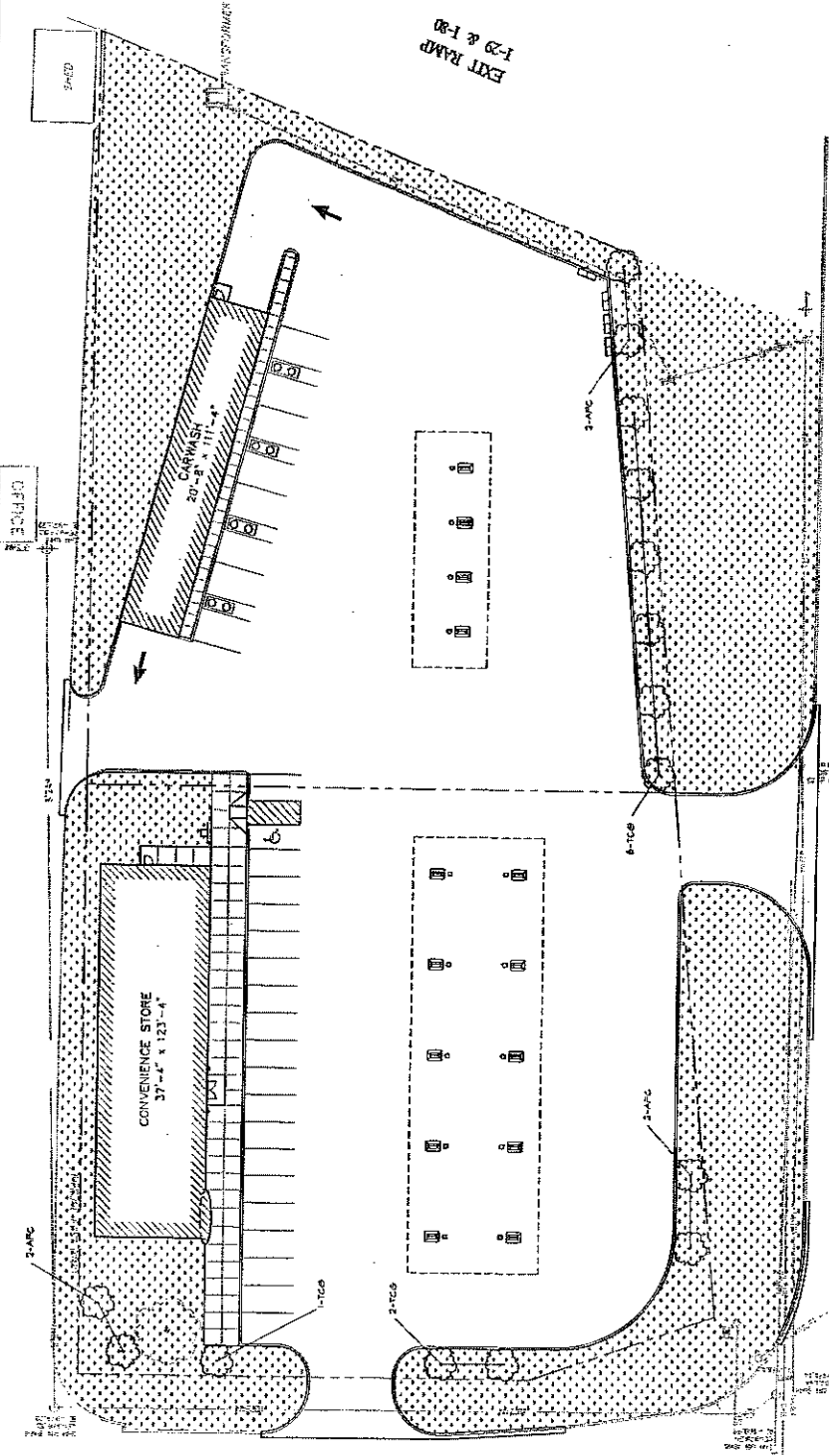
PLANT SCHEDULE

SYMBOL	RELOCATION	COMMON NAME	WTE	QUANTITY
MC		CELEBRATION FREEMAN MAPLE (1 FREEMAN 'CELLAR')	2" CALIBER	6 REOD
TCA		LITTLELEAF LINCOLN (CORONA 'CORPUSCULE')	2" CALIBER	9 REOD



24TH STREET

27TH AVENUE



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See drawing for notes. This drawing is to be used in conjunction with the other drawings of this project. No part of this drawing is to be reproduced or transmitted in any form or by any means electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without permission in writing from the author.

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24TH STREET AND I-80
COUNCIL BLUFFS, IOWA

[illegible]

Architectural drawing of the rear elevation of the building, showing various materials and construction details. The drawing includes a large central section with horizontal siding, a smaller section with vertical siding, and a section with a gabled roof. Numerous callouts point to specific materials and construction details.

Callouts and labels include:

- 1 - COARSE PINE, CARVED
- 2 - AGENT PASTHOLE
- 3 - AGENT PASTHOLE
- 4 - COARSE PINE, CARVED
- 5 - AGENT PASTHOLE
- 6 - AGENT PASTHOLE
- 7 - AGENT PASTHOLE
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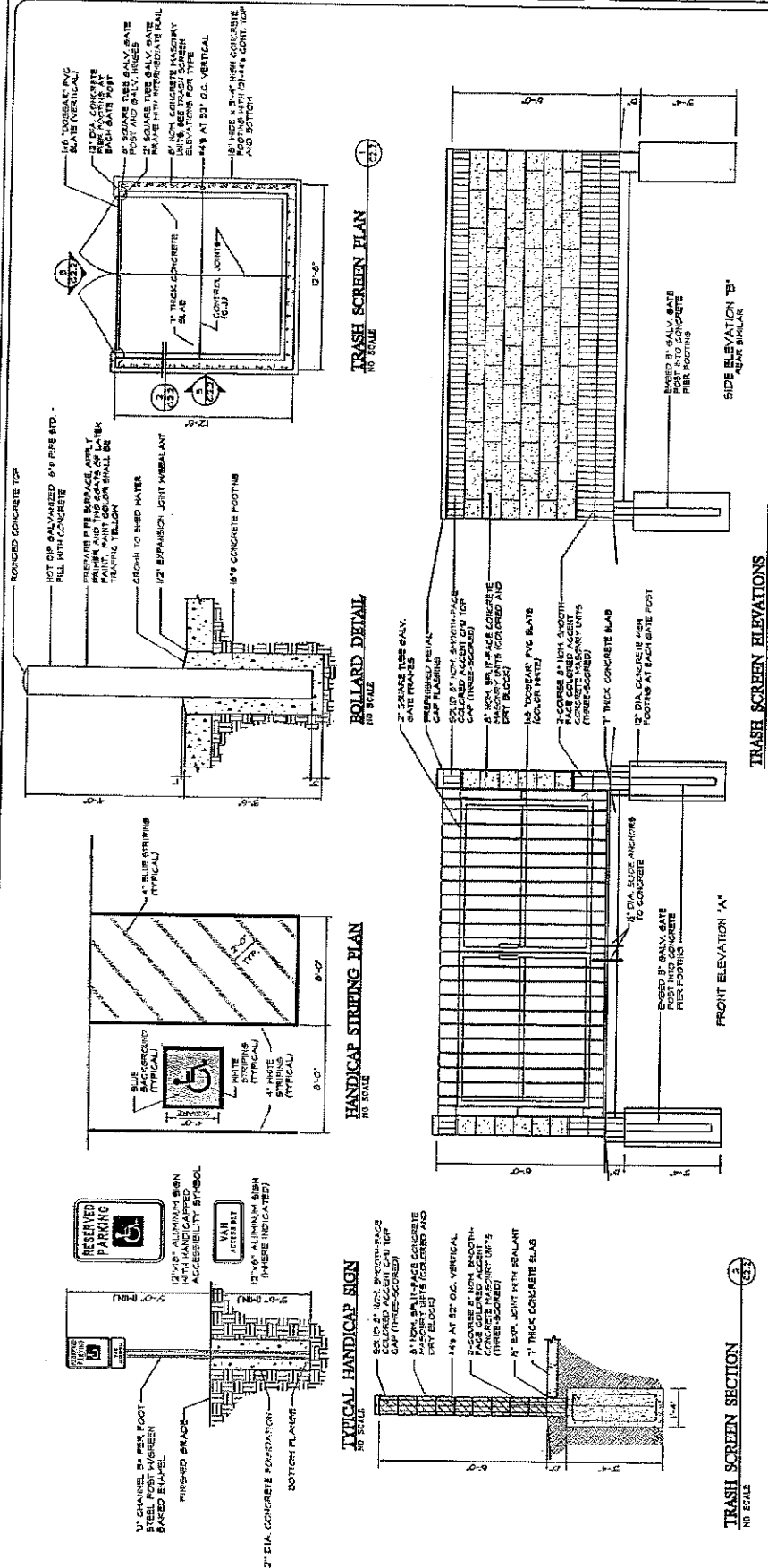
① E.I.F.S. REVEAL DETAIL

[illegible]

RCF
ROBERT W. ENGEL AND ASSOCIATES, ARCHITECTS
 2110 South 156th Circle
 Omaha, NE 68130-2503
 (402) 330-4297 Fax (402) 330-8031
 email: RWE/Architects@FWFArchitects.com

BUCKY'S EXPRESS
24TH STREET AND I-80
COUNCIL BLUFFS, IOWA

[illegible][illegible][illegible]



PLAN
ELECTRICAL
SITE

Drawn By	WES
Checked By	WES
Date	11/11/11
Project Name	BUCKY'S EXPRESS

RF
ROBERT W. ENGEL AND ASSOCIATES, ARCHITECTS
2110 South 159th Circle
Omaha, NE 68134-2533
(402) 330-8281 Fax: (402) 330-8331
email: rwe@rwaarchitects.com

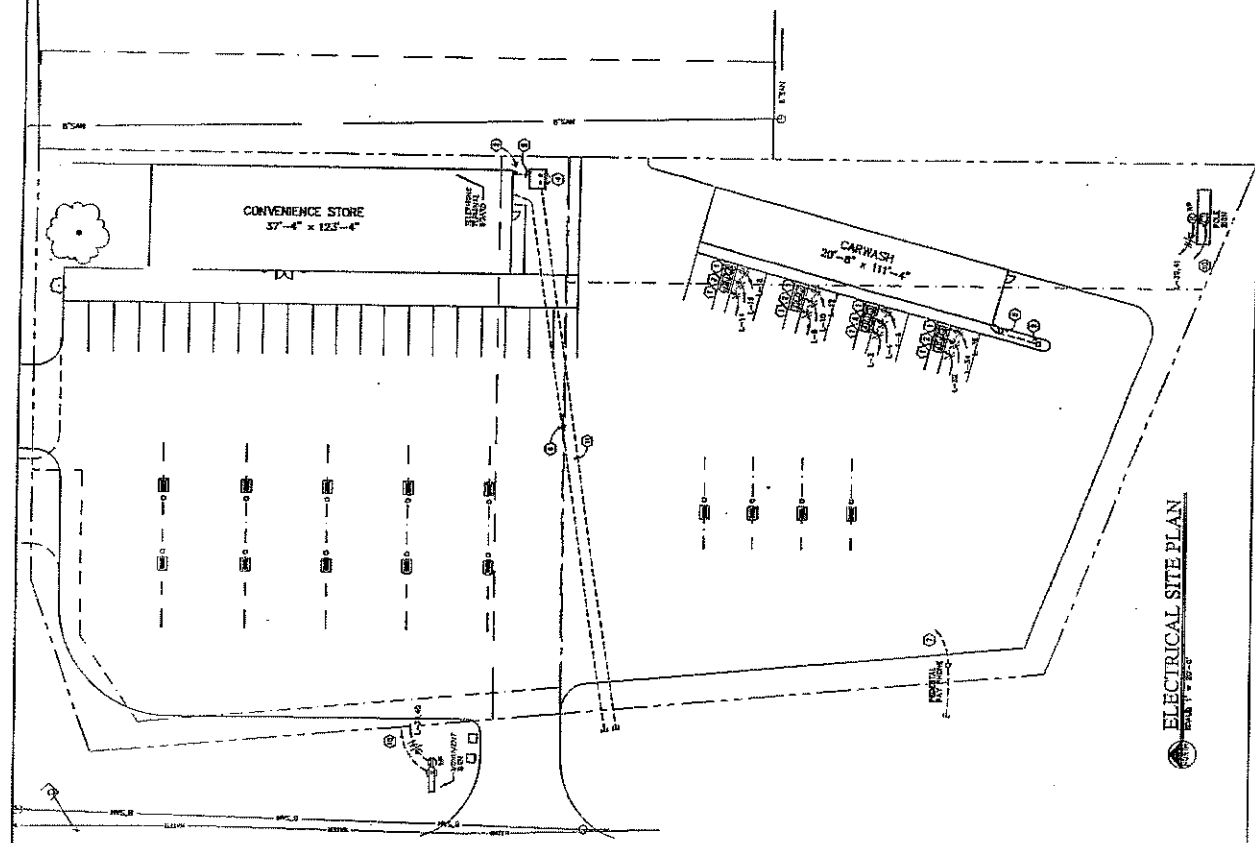
BUCKY'S EXPRESS
24th Street & I-80
COUNCIL BLUFFS, IOWA

Professional Engineer Seal: **SEI** SCHAFER ENGINEERING, INC. 11/11/11

Professional Engineer Seal: **SEI** SCHAFER ENGINEERING, INC. 11/11/11

My license expires on December 31, 2015.

- 1. PROVIDE ALL ELECTRICAL WORK TO BE DONE IN ACCORDANCE WITH THE 2011 NATIONAL ELECTRICAL CODE (NEC) AND THE 2011 IOWA ELECTRICAL CODE (IEC).
- 2. PROVIDE ALL ELECTRICAL WORK TO BE DONE IN ACCORDANCE WITH THE 2011 NATIONAL ELECTRICAL CODE (NEC) AND THE 2011 IOWA ELECTRICAL CODE (IEC).
- 3. PROVIDE ALL ELECTRICAL WORK TO BE DONE IN ACCORDANCE WITH THE 2011 NATIONAL ELECTRICAL CODE (NEC) AND THE 2011 IOWA ELECTRICAL CODE (IEC).
- 4. PROVIDE ALL ELECTRICAL WORK TO BE DONE IN ACCORDANCE WITH THE 2011 NATIONAL ELECTRICAL CODE (NEC) AND THE 2011 IOWA ELECTRICAL CODE (IEC).
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- 9. PROVIDE ALL ELECTRICAL WORK TO BE DONE IN ACCORDANCE WITH THE 2011 NATIONAL ELECTRICAL CODE (NEC) AND THE 2011 IOWA ELECTRICAL CODE (IEC).
- 10. PROVIDE ALL ELECTRICAL WORK TO BE DONE IN ACCORDANCE WITH THE 2011 NATIONAL ELECTRICAL CODE (NEC) AND THE 2011 IOWA ELECTRICAL CODE (IEC).



ELECTRICAL SITE PLAN
E5.1

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27TH AVENUE

